

LEGISLATIVE COUNCIL

Thursday 21 March 2013

The **PRESIDENT (Hon. J.M. Gazzola)** took the chair at 14:16 and read prayers.

The PRESIDENT: I acknowledge this land that we meet on today as the traditional lands for Kurna people and that we respect their spiritual relationship with their country. We also acknowledge Kurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today. We also pay respects to the cultural authority of Aboriginal people visiting and attending from other areas of South Australia and Australia present here.

WATERFORD, MR D.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:17): I table a copy of a ministerial statement made earlier today in another place by my colleague the Minister for Education and Child Development.

COMMUNITY FOODIE PROGRAM

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:18): I table a copy of a ministerial statement made earlier today in another place by my colleague the Minister for Health and Ageing.

QUESTION TIME

WORK HEALTH AND SAFETY ACT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the minister for primary industries a question about the Work Health and Safety Act.

Leave granted.

The Hon. D.W. RIDGWAY: South Australia's new Work, Health and Safety Act commenced operation on 1 January 2013. It includes regulations and codes of practice. Under the regulations an abalone diver on the West Coast, for example, must hold a certificate of medical fitness issued by a registered medical practitioner with experience in dive medicine or underwater medicine, even if there is no such registered medical practitioner working on the West Coast. Secondly, divers must prepare a dive plan, check that they have a dive plan, and comply with their own dive plan; so if they see an abalone that is not where the dive plan says the diver is going, the abalone stays where it is and so does the diver.

In this labyrinth of rules and regulations, a seven page letter has been sent by the Small Business Commissioner to selected organisations representing primary producers. Agriculture and primary industries are a major employer in South Australia with tens of thousands of small businesses, but only a small proportion have so far seen the commissioner's letter. The commissioner is asking for feedback as part of his public consultation because the 12 codes—which apply to farmers, self-employed contractors, primary producers and businesses that manufacture, supply, repair or carry out other activities involving agricultural machinery or provide services to agriculture—require consultation.

The letter was dated 18 March, and it says that the cut-off date for public consultation is 5 April. That is less than three weeks' consultation, which includes the Easter period; in fact, it is only 12 working days. My questions are:

1. Does the minister think that 12 days is enough time for proper, inclusive public consultation?
2. What is the minister going to do to ensure that every business gets a copy of the commissioner's letter?
3. The commissioner's letter states that the code will apply to people who provide 'services to agriculture'. Does that mean that the code does not apply to the present Minister for Agriculture?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:21): I thank the honourable member for his most important questions. Indeed, safety is a very significant issue for those working in our primary industries.

I believe there was an article in today's paper that talked about the number of accidents that occur in farming areas and on farms, and it was a quite sickening article. I think the highest level of accidents involve vehicles, tractors, quad bikes and motorbikes; but it went through a whole range of risks associated with working on farms. It was incredibly disturbing, and hit a nerve with me because I lost a very, very dear friend who was 21 years old. A tractor rolled over onto him, and my very dear friend died instantly. So it is an issue very dear to my heart, and I was very disturbed by the article in the paper today. Any measure that seeks to make our workers, including those who work on farms, safer is something to be commended.

In terms of whether it is working as an abalone diver or a farmhand, every worker has the right to work in a safe place. We know that a great deal of work has been done to ensure that we continue to review and set standards to decrease safety risks, but we also continue to look at ways of streamlining the red tape around that as well, because we are mindful that there are imposts associated with that which, in turn, cost the community. However, I guess the ultimate cost of one's life has to be measured up against that.

I was concerned to hear from the Hon. David Ridgway that there is only a three-week consultation period—

The Hon. D.W. Ridgway: It is 12 working days.

The Hon. G.E. GAGO: —or 12 working days. I think it was you who said it was 12 days, and I was only quoting—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: I was only quoting the Hon. David Ridgway who said it was 12 days.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: I was only quoting the Hon. David Ridgway. I was concerned to hear that it only involved 12 days. It is interesting, though, that to the best of my knowledge I have not received any letters of concern or other information. To the best of my knowledge no-one has raised this issue with me and raised any concern about the length of consultation, so I need to put that on the record.

That does not mean that they may be there in my office and I have not seen them but I need to put on the record that I have not seen any. I will be interested to check what has come through my office, and I am happy to talk with anyone in the industry who has concerns about the length of consultation period for them and assist them in whatever way I can to ensure that they are given an adequate amount of time to provide whatever submissions are relevant to their particular sector.

WORK HEALTH AND SAFETY ACT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I have a supplementary question. What will the minister do to ensure that every business in the agriculture, food, fisheries and forestry sectors is consulted?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:26): I imagine that responsibility rests with the commissioner. They are required to have a process that sends information out and I am sure that they have looked at all the key stakeholder groups and made sure that information has gone out to them. I am happy to check that that has happened and to make sure that the commissioner's office has met all its responsibilities.

SA WATER

The Hon. J.M.A. LENSINK (14:26): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about SA Water.

Leave granted.

The Hon. J.M.A. LENSINK: On 15 November 2012, the member for Bragg in another place asked the following question of the then minister for water:

Is the minister aware of a complaint to SA water claiming that a Victorian company, Rangedale Drainage Services, has stolen millions of litres of water? Rangedale Drainage Services had a contract with SA Water to clean sewers. A condition of that contract was that the use of water supplied by SA Water and that access be via a metered standpipe. The opposition is informed that RDS has taken water directly from the mains water supply, avoiding metering and therefore payment.

The minister at the time indicated no knowledge of the matter involving the stolen water, and so, on 30 November, the member for Bragg wrote to the minister providing additional information and requesting an investigation.

She received a reply on 28 December. The minister responded by stating that SA Water was currently conducting an internal review which would be completed in early 2013 and a full response would then be provided. To my understanding no response has been provided about the investigation. My questions to the minister are:

1. Has the internal investigation by SA Water been completed?
2. If so, when can we expect a full response on the findings of the investigation?
3. If not, when will it be completed and why has it been delayed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:28): I thank the honourable member for her most important questions. As I understand it and as I am advised that inquiry is still underway and, as such, it would be inappropriate for me to comment further at this point in time.

LAKE ALBERT

The Hon. S.G. WADE (14:28): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about the scoping study into future management practices for Lake Albert.

Leave granted.

The Hon. S.G. WADE: In December 2012, the federal and state Labor governments announced an investigation into the future management of water quality in Lake Albert and the Narrung Narrows but very little has been heard since. In making the announcement, the government said that it would evaluate the Meningie and Narrung Lakes Irrigators Association five-point plan. The plan included a proposed interconnector as the association believes it would add fresher water to the Coorong, having a positive impact on both the Coorong and Lake Albert.

I am advised that, despite numerous invitations to visit the area, the minister and his predecessor have not made the trip to Lake Albert to meet with the local community since the end of the drought, over two years ago. Primary producers and irrigators whose livelihood relies on Lake Albert and the Coorong are concerned and bemused. Farmers in the area face an uphill battle and are still facing the impact of drought with unusable water for stock or irrigation and with salinity levels in Lake Albert approaching 4,000 EC. The irrigation industry which once boomed and underpinned the entire region's economy no longer exists. My questions are:

1. Will the minister confirm that issues of water quality in the Coorong are part of the scoping study?
2. Has the minister considered the Meningie and Narrung Lakes Irrigators Association's five-point plan and the interconnector between the Coorong and Lake Albert to tackle water quality issues?
3. Will the minister confirm that the merits of a permanent regulator in the Narrung Narrows will be examined as part of the scoping study?
4. Does the minister acknowledge that the state government's recent strategy to lower salinity levels in Lake Albert has failed?
5. When does the minister plan to meet with the local community, including irrigators and primary producers, to discuss the challenges facing the Coorong and Lake Albert?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:30): I thank the honourable member for his most important question, and I can advise that I will take those issues on notice and bring back a response.

EYRE PENINSULA

The Hon. G.A. KANDELAARS (14:31): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, Regional Development, and Agriculture, Food and Fisheries a question about Eyre Peninsula.

Leave granted.

The Hon. G.A. KANDELAARS: Eyre Peninsula is home to many communities that play an important role in South Australia's economy and future growth. Port Lincoln agriculture, fishing and tourist industries are of great economic importance to the area and to South Australia. Can the minister advise the chamber about her recent visit to Port Lincoln?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:31): What about the status of women? I had a status of women visit as well while I was there.

The PRESIDENT: I did not think he asked the Minister for the Status of Women, but if it is relevant to the answer, minister, I am sure you will provide that information to the chamber.

The Hon. G.E. GAGO: Thank you, Mr President, and I thank the honourable member for his most important question. I had the great pleasure to travel to the Port Lincoln area on 14 and 15 March to visit some of the local councils, meet with elected members and tour and meet with a number of businesses in the area. At the beginning of my trip, I visited the Kinkawooka Mussels operation, a family owned and operated business run by a father-and-son team, Bob and Andrew Puglisi. Kinkawooka Mussels was established in 1976 and, along with mussels, has been growing and harvesting premium shellfish products to the highest standards of environmental quality since.

I am advised that, at the 2011 Delicious Produce Awards, Kinkawooka Mussels took out the overall award for producer of the year, which is impressive. During my visit with Bob and Andrew, they were kind enough to give me a tour through their mussel-packing operations, and it was a very interesting tour. From the initial cleaning stages, I watched as mussels were sorted and then placed in a vacuum-sealed pack containing their own natural juices and Boston Bay sea water. I understood that this unique packing technique gives the mussels a shelf life of 10 days and keeps the mussels in premium condition.

The tour was followed by a drive to Cummins, where I met with staff and elected members, including the mayor, Julie Low, and CEO Rod Pearson of the District Council of Lower Eyre Peninsula. I am advised that the District Council of Lower Eyre Peninsula has a resident population of approximately 4,900 people and covers roughly 4,771 square kilometres—almost a person per square kilometre. I was pleased to be able to discuss local issues over lunch at the local Cummins pub and I appreciated being able to view their new council chambers. It is a very lovely building and very much reflects the natural beauty of the surrounds. They have done a wonderful job there.

For my next visit I went to the City of Port Lincoln council offices, where I met with Bruce Green and the CEO, Geoff Dodd. I was able to hear about some of the development projects that the council is involved in and I also got a real sense of the council's direction and focus for the future. I was very pleased to hear about their work upgrading the existing Parnkalla Trail, which they hope to extend further. It is a wonderful trail. When I stay there I often run along that trail, and rather than having to run along the road they are going to take the trail back down along the beach so that it can continue along there; so it will be absolutely fabulous and I look forward to that.

One of my last meetings was with the South Australian Oyster Growers Association (SAOGA). SAOGA was established in 1989 and represents and supports SA oyster growers at a national, state and regional level. I am advised that approximately 98 per cent of all oyster licence holders in South Australia are members of SAOGA. The South Australian oyster industry in 2010-11 was valued at approximately \$35 million and produced approximately 6,150 tonnes of oysters. I met with the president, Jill Coates, who is also a member of the Aquaculture Advisory Committee, and vice president Jed Rutledge, who, I was very interested to know, has been awarded the Australian Rural Leadership Scholarship. I was very interested to hear about it. It is

wonderful to see such young talent being cultivated and mentored in the region. It is really wonderful.

Very briefly, I was able to enjoy visiting with a representative from Regional Development Australia, a delegate from Port Lincoln Women in Business, and also a local farmer. These were just a few of the very many organisations, businesses and people that I had the opportunity to spend time with whilst in Port Lincoln. Port Lincoln is a vibrant community and plays a very important role in our state's future. It was a most enjoyable visit, and I was delighted to see the level of prosperity and innovation going on in that area.

CHAMBER FILMING

The Hon. M. PARNELL (14:37): I seek leave to make a brief explanation before asking a question of the President regarding rules covering filming in the chamber.

Leave granted.

The Hon. M. PARNELL: Mr President, in your comments to the council on Tuesday concerning filming and photography of proceedings, you stated that:

It is not my intention to alter the current guidelines or practices or to allow the media to have access for filming beyond the public gallery.

Mr President, you also stated that:

I would not do so without canvassing the views of all members of this council.

Following your statement, I wrote to you yesterday requesting the opportunity for members to canvass this issue in a meeting with a view to ascertaining the relevance and desirability of maintaining current filming guidelines and practices and other issues relevant to the reporting of parliament. Sir, my questions to you are:

1. Have you had the opportunity to consider this request?
2. If so, would you consider convening such a meeting as President?
3. When do you think this could happen?

The PRESIDENT (14:38): I thank the honourable member for his question, and I also take this opportunity to thank all members of the Legislative Council who have expressed their support publicly and privately. As I stated on Tuesday in this place, apart from anything else, I would not change the practices of this council without canvassing the views of all members of this council. To date, I have received a letter from you, the Hon. Mr Parnell, requesting that I convene a meeting, to which I will give due consideration.

Again, I invite honourable members to make their views known to me. However, I reiterate that our existing practice is consistent with most other Australian and New Zealand jurisdictions. I remind honourable members that the issues involve our chamber and the rules do not suppress filming or reporting of the debate. Filming is permitted from the public gallery, with *The Advertiser* print media having their specifically designated place in the north-western press gallery and the ABC a place in the north-eastern gallery.

The proceedings of the council are streamed online, *Hansard* is available and members of the public are more than welcome to take a place in the public gallery and see their upper house in operation. It should be incumbent on all honourable members to uphold the dignity and integrity of the Legislative Council, and I remind members again that the Legislative Council is an independent and sovereign house of the Parliament of South Australia and will determine its own procedures.

CLIMATE CHANGE ADAPTATION FRAMEWORK

The Hon. R.P. WORTLEY (14:40): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the Climate Change Adaptation Showcase held last week?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:41): I thank the honourable member for his very important question. As most of us are aware, there will be inevitable impacts from climate change despite global efforts to reduce greenhouse gas emissions. Projections for South Australia indicate warmer and drier conditions across much of

the state into the future with an increased risk of severe weather events including storms, flooding, heatwaves, drought, and unfortunately also bushfires.

These changes will affect our individual health and wellbeing, along with key industries and resources which underpin our state which will also be impacted. This is why we need to be prepared and planned to adapt to climate change. This is why in August last year the state government launched the Climate Change Adaptation Framework. The Climate Change Adaptation Framework for South Australia will guide action by businesses, the community, non-government organisations, the research sector, local government and state government agencies to develop well-informed and timely adaptation responses.

This framework will help individuals, communities and businesses to cope with the changing weather patterns. This work will also create new opportunities for our community and our economy. The framework has a particular focus on collaboration between key decision-makers across South Australia and sharing the learnings across sectors for the maximum uptake of climate change adaptation planning.

One of the first steps towards this effort was hosting a showcase. Last Thursday the state government hosted a climate change adaptation showcase. At this showcase more than 170 delegates gathered to discuss and address climate change related challenges and opportunities. Attendees included representatives from four South Australian universities, including University College London, University of Adelaide, University of South Australia and Flinders University; several research organisations; natural resources management boards; Regional Development Australia committees; the Local Government Association (LGA); local councils being individually represented; state government agencies; and the federal Department of Climate Change and Energy Efficiency. There were 10 high school science teachers who also attended this event as part of their ongoing professional development. There were also delegates from Western Australia, Queensland, New South Wales and Tasmania who were all keen to hear about the leadership shown by South Australia in this field.

At the showcase a number of experts presented the latest climate change research in the fields of natural resource management, infrastructure and the potential community impacts of climate change. Mr Darren Ray from the Bureau of Meteorology highlighted significant climate change already occurring and likely changes that we will be facing into the future. Mr Adam Gray demonstrated the significant leadership shown by the Local Government Association. As the peak body representing councils in South Australia, the LGA has been proactive in seeking to help councils understand and adapt to climate change and to take advantage of the opportunities that emissions trading may bring for them.

At the showcase delegates were also provided with research outcomes to address heat impacts on housing and ways that we as a community can help the most vulnerable in our society. Lastly, delegates heard about the outstanding leadership in developing local climate change adaptation action plans across our state. The adaptation principles in these plans and our Climate Change Adaptation Framework present our state with a lot of opportunities. They can help build resilience in general and they can help develop new markets and new businesses, but most of all they can help people, communities and businesses manage the potentially dire consequences of climate change.

South Australia has achieved a great deal already in addressing these challenges posed by climate change, and South Australia is recognised as being an international exemplar in this area. We lead the country in the development of renewable energy; we have introduced climate change legislation that was the first of its kind in Australia; and we have developed our regionally focused adaptation framework to respond to the inevitable changes facing South Australia.

The broad array of delegates at the showcase demonstrates that this state, not just the government but universities, industry, communities and local government, are all committed to facing the challenges of climate change. I should also add that the showcase attracted sponsorship from a number of partners including: an international consultancy firm, ARUP; the Local Government Association of South Australia; Mr Mark Siebentritt and Associates, an Adelaide-based sustainability and natural resources management company; the National Climate Change Adaptation Research Facility; the University College London; and a local urban and regional planning firm, URPS.

On behalf of the government of South Australia, I want to congratulate everyone involved in putting the showcase together. I especially thank the convenor, Mr Rohan Hamden, the Director of

Sustainability and Industry Partnerships in the Department of Environment, Water and Natural Resources, and his climate change adaptation team for their efforts in making this showcase the success that it was.

MARINE PARKS

The Hon. D.G.E. HOOD (14:45): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions concerning compensation for those affected by the government's marine parks legislation and regulations.

Leave granted.

The Hon. D.G.E. HOOD: There has been considerable discussion in the media and elsewhere recently about who will actually be eligible for compensation by reason of the declaration of the marine parks that the government has recently put in regulation. It seems clear that some fishermen—or fisherpeople, perhaps—will have to cease their business due to the fishing restrictions that are imposed in some cases. Whilst the government argues that these are not extensive, obviously they do affect some individuals. It seems clear that some will have to close their businesses, in some cases, and this is a very significant impact on their livelihood, of course. A report on Adelaidenow recently stated:

Fisheries Minister Gail Gago said the Government would buy out affected businesses but would not reveal how much had been budgeted for compensation.

That was back in November of last year. So, some four months later, my questions for the minister are:

1. What is the budget allocation for compensation for those affected by marine parks? Has the minister decided on a figure yet and, if so, can she divulge that figure?
2. Will compensation be restricted to those in the fishing businesses directly or will it be extended to other businesses that will suffer loss of trade indirectly, such as tourism-related businesses?
3. On what basis will compensation be assessed, including where fishermen suffer loss of income and also no longer have any use of their plant or equipment as it is no longer required and no longer suitable as they are no longer fishing in that area?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:47): I thank the honourable member for his most important question. Indeed, the displaced effort from our marine parks and payment for that is quite central to the future of our marine parks and it is something that we have worked with the industry on to ensure that we are in agreement, as best we can be, about the process involved and the value of payments.

The government, obviously, is very committed to ensuring that marine parks help protect our marine environments, whilst also attempting to minimise the impact on the state's commercial fishing industry. To achieve this, the government has kept its commitment that marine parks would have less than 5 per cent economic impact on the state's fishing industry, measured as an impact on the statewide annual gross value of production (GDP). This was achieved by minimising the overlap of high conservation marine park zones with important fishing grounds.

The estimated impact on the final plans approved in November is 1.7 per cent of statewide commercial fishing. The final SARDI estimates of displaced commercial fishing activity took into account additional fishing industry supplied data and are available on the SARDI website. The government's long-standing position has been to utilise a number of steps in relation to displaced effort, and we have been very open and involved the industry in devising these steps: avoid displacement by pragmatic zoning; redistribute effort, only where possible, without impacting ecological or economic sustainability of the industry; and market-based buy-out of sufficient effort to avoid negative impacts on the fishery (in other words, voluntary acquisition).

We have made very clear that we would only use compulsory acquisition as a very last desperate measure. The assessment to date from our office, and also feedback from the industry, is that it is highly likely that we will be able to do this through a voluntary mechanism. There is nothing in the marketplace that indicates that we will not be able to do that.

So, in light of the need to consider future fisheries management—the commercial fisheries—the catch effort reduction program will be administered by PIRSA. Independent expertise in the fishing industry, fisheries management and fishery buyback programs have been engaged to contribute to the program design, and the fishing industry is currently being consulted on the draft plan before being finalised, so that plan has either just gone out or just about to go out, and again we will make sure the industry is happy with that.

The draft plan focuses on providing an opportunity to commercial fishers to offer licences and entitlements for surrender. Ex gratia payments will be made in consideration of those licences and entitlements surrendered. Licences and entitlements available for transfer through brokers on the open market we will also consider. In addition, the Marine Parks Act 2007 provides that, if the statutory rights of an authorisation holder are affected by the establishment of a marine park, the government must pay fair and reasonable compensation to the holder of the authorisation.

I look forward to continuing to work with commercial fishers as the marine park management plans are implemented to deliver effective conservation outcomes for South Australia and our marine environment, without undue impacts on our commercial fisheries, which are obviously very important to us as well. The amount we have budgeted for has not been disclosed, and we do not intend to disclose it as it is likely to prejudice the commercial negotiations we undertake with fishers. It certainly will be of a value that is fair and reasonable.

APY LANDS, SCHOOL ATTENDANCE

The Hon. T.J. STEPHENS (14:53): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about school attendance on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: I refer the minister to an article in *The Australian* on 14 March entitled 'Lazy parents failing truants', which outlines the dire situation with regard to school attendance on the APY lands. The article details that attendance rates were below 60 per cent at six APY schools and that attendance rates have steadily fallen since 2006. Professor Peter Buckskin, an Indigenous education expert from the University of South Australia, who I have been privileged to meet, has blamed lazy parenting.

The Queensland government has had success with an incentive-based welfare system linked to school attendance, which I asked the minister about more than 12 months ago. My questions are:

1. How does the government plan to stop the falling attendance rates and encourage attendance?
2. Given that the experts believe that the problem lies with the parents, will the government consider a similar incentive-based system to that which has had success in Queensland?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): I thank the honourable member for his most important question. I will undertake to take that question to the Minister for Education and Child Development in another place and bring back a response on his behalf.

AFGHANISTAN, WOMEN

The Hon. CARMEL ZOLLO (14:54): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question regarding the recent visit of the Deputy Minister for Women's Affairs from Afghanistan.

Leave granted.

The Hon. CARMEL ZOLLO: Every year, one of the Organisation for Security and Cooperation in Europe (OSCE) Asian Partners for Cooperation hosts a conference on security issues and emerging challenges in the broader OSCE area from an Asian-Pacific perspective. The Afghani Deputy Minister for Women's Affairs visited Adelaide last week to attend the conference and meet with local stakeholders. Can the minister tell the chamber about her meeting with the Afghani Deputy Minister for Women's Affairs?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:55): I thank the honourable member for her most important question. The Organisation for Security and Cooperation in Europe (OSCE) is the world's largest regional security organisation. It is a forum for political negotiations and decision-making in the fields of conflict prevention, early warning, crisis management and post-conflict rehabilitation. It is comprised of 57 participating states across the world. The OSCE also maintains special relationships with particular countries. These countries are known as Partners in Cooperation. The Asian Partners for Cooperation comprise Japan, Thailand, South Korea and Afghanistan, with Australia being granted partner status in 2009.

Every year one of the OSCE Asian Partners for Cooperation hosts a conference on the emerging challenges and security issues that can be seen in the broader OSCE area with a focus on an Asian-Pacific perspective. Adelaide was chosen to host the conference this year and the conference was of particular interest to me as it focused on improving security of women and girls, promoting the economic empowerment of women, and combating all forms of human trafficking.

One of the speakers at the conference was Deputy Minister for Women's Affairs, Ms Sayeda Mostafavi, and I was fortunate enough to have the opportunity to meet with her following her conference engagement. Ms Mostafavi is a truly inspirational woman. After her education at Kabul University was interrupted by the war in 1990, she moved to Iran where she completed both a Bachelor of Arts and a Masters Degree in Journalism and after returning to Afghanistan in 2004 she began teaching journalism studies at Kabul University. She was appointed as Deputy Minister for Women's Affairs in 2008.

As the chamber would be aware, women's rights in Afghanistan have been a real battleground in more ways than one. It has faced some extremely difficult challenges where women and girls have been placed under significant duress and disadvantage. The challenges faced can appear insurmountable when compared with the challenges of women in developed states. It is a bit of a reality check, having the opportunity to talk with these women from these backgrounds, and I was pleased to hear, however, about the enormous strides forward in relation to equality that Ms Mostafavi and the Ministry for Women's Affairs have made. I was informed there have been significant advances there during the last four years in particular.

Despite the many challenges facing her and the women of her country, Ms Mostafavi has been involved in the draft of the Elimination of Violence Against Women law, which is being implemented throughout the country, and she is working in partnership with the Civil Society Organisation to establish a free telephone line that will provide a free legal service to women. Under the Ministry of Women's Affairs, a High Commissioner for the Prevention of Violence Against Women has been established and is now functioning in 30 Afghani provinces. I am advised that, to date, the High Commission has assessed and resolved almost 38,000 cases of violence against women.

Mr President, I am sure that you will join me in commending these important initiatives and I was pleased to be able to share with Ms Mostafavi the initiatives that the government of South Australia has undertaken. She was very interested to hear about our Strategic Plan and targets, particularly those focusing on the significance of sustained reduction of violence against women. I was pleased to discuss with her our Intervention Orders (Prevention of Abuse) Act 2009, a system which enables police to issue, if you like, on the spot intervention orders in some circumstances. Of course, she was also very interested in our Family Safety Framework, which provides for family safety meetings across South Australia.

It is always useful to gain a perspective on women's issues that is based on a society that differs greatly from our own; in saying that, Ms Mostafavi and I shared much in common, as well as a common understanding that violence against women in all countries, in any place on this earth, is unacceptable and that we must continue to take steps to stop it. The opportunity to share information was invaluable, and I look forward to hearing of the incredible work of Ms Mostafavi and the Ministry of Women in Afghanistan in the future.

HOSPITAL TREATMENT

The Hon. A. BRESSINGTON (15:00): I seek leave to make a brief explanation before asking the minister representing the Minister for Health and Ageing a question about a constituent's health issue.

Leave granted.

The Hon. A. BRESSINGTON: My office has been contacted by a constituent, over a period of some months now, who claims a lack of treatment from certain hospitals in South Australia. In addition to the claims this constituent has made, she also alleges that no action has been taken in relation to criminal offences that were committed against her.

A member of my staff has been attempting to arrange a meeting with the minister for some three weeks now. Despite several phone calls and emails requesting a meeting and following up that request for a meeting, one has yet to be arranged. On two occasions my staff member was assured that they would receive a call back from the minister's office later that day. To date, no call has been received. Incidentally, it took just one phone call to make an appointment for a briefing on another matter. The constituent to whom I refer also spoke with the minister's office and has alleged that a member of staff said something to the effect of 'Ann Bressington can bugger off', and that I would not be allowed to meet with the minister.

The person I refer to is known to the minister. Her health problems have been endured since 1985 after botched sex reassignment surgery, and a later rape left her with ruptured breast implants, which have now led to her suffering from motor neurone disease. My questions are:

1. Why is it so difficult to get a meeting with the minister in relation to the health issues of this constituent?
2. How can a person who is a victim of the health system, through no fault of their own, be treated with such contempt?
3. What level of responsibility is the minister prepared to accept in the ongoing neglect of this particular constituent?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:03): I thank the honourable member for her important questions regarding a constituent's health issues. Without accepting any of the opinion contained in the statement, I will undertake to take those questions to the Minister for Health and Ageing in another place and seek a response on her behalf.

ADELAIDE WELLBEING INSTITUTE

The Hon. R.I. LUCAS (15:03): I seek leave to make an explanation before asking the minister representing the Premier a question on the subject of the \$7 million Jay Weatherill Labor government wellbeing institute.

Leave granted.

The Hon. R.I. LUCAS: As members will be aware, a well-sourced cabinet leak this week of a submission from the Premier himself sought 'to build South Australia as the State of Wellbeing by providing positive psychology measurement and training to all children and teachers and establishing the Adelaide Wellbeing Institute'. That submission sought funding of \$7 million for this wellbeing strategy and, amongst other things, sought to make Adelaide and South Australia a leader for the Asian region in wellbeing, as well as ensuring that South Australian citizens have regular exposure to the latest wellbeing science.

It included, in its \$7 million budget request, a retreat on 'The Science of the Imagination', to take place on Kangaroo Island which, I am sure you will be pleased to hear, Mr President, will be followed by three public lectures on the science of the imagination. It includes a variety of initiatives including the health, community services and education portfolios in particular, and a number of other portfolios as well. As I said, the budget bid is for \$7 million but the submission makes it clear that considerable funding has already been expended on this wellbeing strategy championed by the Premier himself. My questions are:

1. How much taxpayers' money has been spent thus far on the Jay Weatherill Labor government's \$7 million wellbeing strategy and, in particular, how much money has been spent thus far on the pilot program between the Department for Education and Child Development and the University of Adelaide involving online measurement tools; and how much funding in particular on the pilot involving the Department for Education and Child Development involving the development of a research unit delivering the middle years development index, incorporating the work of Dr Seligman on PERMA?
2. How much funding has been expended thus far on the development of the wellbeing curricula within the Department for Education and Child Development, and how much

funding, if any, has been expended on a four-month investigation building upon the work of the UK economist, Lord Richard Layard?

3. How much money has been spent thus far on the development of the first wellbeing activating hub for community wellbeing involving intervention programs in the Mount Barker community, involving the Mount Barker High School and its six feeder schools, and involving mental health and community health providers in the Mount Barker region?

4. How much funding, if any, has been spent thus far on the retreat on Kangaroo Island on the science of the imagination and the three related public lectures?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:07): I thank the honourable member for his important questions and will refer them to the Premier in another place and bring back a response.

PARKS WEEK

The Hon. K.J. MAHER (15:07): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister provide an update to the chamber on Parks Week?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for his most important question. Parks Week is an important event for my department (the Department of Environment, Water and Natural Resources) and for those in our community who take pleasure in our natural environment.

Parks Week is an annual celebration recognising the benefits of our parks and the role they play in our lives. Every year Parks Week has a different theme and this year's theme was 'Get healthy by nature'. This year from 2 to 8 March officers from my department, together with volunteers and supporters from across South Australia, coordinated all manner of events aimed at encouraging more people to take advantage of all the benefits that our parks can offer.

This year, in line with the theme 'Get healthy by nature', the events planned throughout the week were focused on ways that South Australians can improve their health and their wellbeing within our numerous parks. Some of the groups involved this year include: the Friends of Belair National Park; the Friends of Old Government House who, I might add, are celebrating their 30th anniversary; Bicycle SA; and the Australian Mountain Bike Association.

During Parks Week, guided bike rides for visitors took place in Cleland Wildlife Park and Belair National Park, and guided walks were also on offer at other locations I am advised. Barbeques with plenty of healthy food options were also on offer and working bees were conducted by staff and volunteer groups as well, providing opportunities for people to offer assistance and to support their favourite parks in a very practical way.

To encourage participation in Parks Week the entry fee at Cleland was temporarily altered to a gold coin donation on Saturday and Belair offered free entry on Sunday. I am pleased to advise that Cleland experienced one of its busiest days on record—1,600 visitors came through the gates and enjoyed the attractions. I am advised that this is almost three times the normal Sunday afternoon figures for Cleland Wildlife Park. Belair also recorded a 50 per cent increase in visitors, with community members flocking to the park to take advantage of the free entry.

My department is committed to developing new opportunities for South Australians to enjoy our natural environment. This work is, of course, not limited to the activities held during Parks Week; rather, it is a year-long endeavour for us. For example, earlier this year, a number of fire tracks around Cleland Conservation Park were opened to mountain bikers to ride and explore. I am told this is a very popular attraction, with hundreds of bike riders now using the 10-kilometre network every week.

Because of the popularity of these tracks and keeping in line with the Parks Week theme of getting healthy by nature, I am pleased to advise the chamber that officers from my department are working on opening a network of tracks in Belair National Park for the very same purpose. It is anticipated that these tracks will attract even more visitors to Belair, a mixture of people who would not typically venture into a national park, perhaps, and those who might have visited previously but who are looking for new ways to explore the beauty that is available in Belair National Park.

I understand that recent survey data reports that 59 per cent of South Australians have visited a park in the last year. This is an impressive number of people and reflects the work being undertaken by my department through the government's people and parks visitor strategy, but as always there is more that we can do to promote these great community assets and I would urge all members here to continue to promote the wonderful natural resource that is our system of parks.

The PRESIDENT: Supplementary question, the Hon. Ms Lensink.

PARKS WEEK

The Hon. J.M.A. LENSINK (15:10): How many park rangers do we have at the moment?

The Hon. G.E. Gago: Why aren't you out there counting them?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:11): Yes, I should know. The honourable member says I should know in my head the number of park rangers on the payroll today.

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: And as the honourable member says, perhaps the number of four-wheel drives, too. I undertake to find out those answers and bring them back for the honourable member.

ANIMAL TESTING

The Hon. T.A. FRANKS (15:11): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about animal testing in Adelaide universities.

Leave granted.

The Hon. T.A. FRANKS: Actually, I have no brief explanation. I will simply ask the minister: will he undertake to report to this council on the current status of animal testing within our universities and assure this council that the highest levels of animal welfare are currently being met?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): I thank the honourable member for her most excellent question.

The Hon. G.E. Gago: And the explanation.

The Hon. I.K. HUNTER: And the explanation. I am not aware that I actually have authority over the animal testing that goes on in the university. I may do. I understand that each university institution has its own animal ethics committee. I would expect that they would undertake their business in accordance with strict guidelines, perhaps laid down by the NHMRC, but I will undertake to research that for the honourable member and come back with a response at a later date.

TEROWIE CONTAMINATED LAND

The Hon. J.S. LEE (15:13): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about asbestos and water contamination in Terowie.

Leave granted.

The Hon. J.S. LEE: On 26 February, the 7.30 program aired a story on asbestos problems in the township of Terowie. It is reported that the asbestos is not an illegal dump as it is the property of the state government, yet there is no fence or warning signs. The asbestos has been on the site of the old railway station for decades and according to one resident, Mr Dave Perron, the ground is just covered with broken fragments of asbestos. It extends for well over 200 metres from the bottom of the southern platform to the cemetery.

The 7.30 program also highlighted the town's water contamination. Local MP Dan van Holst Pellekaan was informed that the town's water supply has high levels of lead and E. coli and in many cases you cannot drink it. The program received statements from the Environment Protection Authority and the South Australian environment department telling 7.30 that they are meeting later

in the week but will not commit to a time frame for the clean-up. At least 4,700 people have died in Australia so far from exposure to the deadly dust and another 25,000 are expected to die over the next 40 years. My questions are:

1. When did the minister become aware of the asbestos problem on this government property in Terowie?
2. What action has the minister taken since becoming aware of the problem?
3. Will the minister commit to a time frame for the clean-up of the asbestos?
4. What further plans does the minister have to fully remediate the site?
5. What investigations are to be taken into the possible health impact for the township and welfare of the people living there?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:15): I thank the honourable member for asking a very important question and one which I can, in fact, answer. The risks associated with asbestos are now widely known in our community. We know that asbestos dust and fibres are highly hazardous when inhaled and can be released into the air when products containing asbestos are incorrectly handled, removed or transported for disposal.

Mid last year my department was informed of a complaint from a Terowie resident about the presence of asbestos building material in the southern portion of a disused Terowie railway yard. This land is under my control pursuant to the Crown Land Management Act. The area of contamination has been plotted by the Asbestos Management Unit of the Department of Planning, Transport and Infrastructure, I am advised, which is responsible for managing asbestos-related issues associated with government-owned property.

I am advised that warning signs have been placed around the perimeter of the site. In addition to this, airborne asbestos dust monitoring was undertaken at four locations on site on 4 March 2013. The outcome from the report confirms there is no detectable level of airborne asbestos emanating from the site. A health risk assessment will be undertaken by an independent consultant, which is anticipated to be completed by 22 March. Discussions will then commence to consider longer-term management strategies for the site, including remedial works.

The South Australian Asbestos Safety Action Plan outlines the state government's commitment to reducing death and illness resulting from asbestos-related diseases. Through this plan we aim to continue building awareness in the workplace and in the community about the dangers associated with exposure to asbestos fibres. The plan has also been coordinated and led by SafeWork SA and developed in partnership with key government agencies, local government authorities, industry representatives, unions, the Asbestos Advisory Committee, the Asbestos Victims Association, and the Asbestos Diseases Society of South Australia.

INTERNATIONAL WOMEN'S DAY

The Hon. G.A. KANDELAARS (15:17): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question regarding International Women's Day events being held in Adelaide this year.

Leave granted.

The Hon. G.A. KANDELAARS: International Women's Day is a great opportunity for women and men to come together and celebrate what has been achieved in the last year in our community to promote gender equality. Every year, Adelaide sees a range of International Women's Day events being held here, organised by a variety of passionate and committed people. Can the minister tell the chamber about the International Women's Day events that happened here in Adelaide?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:18): The South Australian community again came together this year to acknowledge the important work of women in our communities through a range of events and forums spread across the week and culminating in the annual International Women's Day, which falls on 8 March. This year's International Women's Day luncheon was held on Thursday 7 March at the Adelaide Convention Centre and marked the 75th anniversary of the

IWD Committee of South Australia Inc. I congratulate the committee on its dedicated service to South Australian women over this time, and I am very pleased to speak about the wonderful women who were honoured this year at the luncheon.

I am advised that Toni Jupe, former president, presented Irene Bell Community Award to four outstanding women this year. They are: Rachel Bishop, for work supporting parents whose children suffer from serious heart disease; Dianne Bartell, a volunteer who has given 10,000 hours of her time to Zonta; Barbara Donnelly, a volunteer with the Girl Guides for over 50 years; and Lois Brock OAM. Lois has volunteered for over 20 years with the Southern Cross and also makes time to volunteer with a number of different organisations.

This year a new award was launched: the Young Women's Community and Spirit Award. The award seeks to acknowledge South Australian women aged 12 to 30 years who endeavour to make the community a better place through their skills and dedication. This inaugural award went to Anania Tagaro and I am advised that Anania has been a very active member of the youth led movement in Australia for a number of years and most recently has participated in the End Poverty awareness caravan and continues to play an active role in the Migrant Women's Lobby Group.

The UN Women International Women's Day Breakfast was hosted by the wonderful Penny Wong this year with guest speaker, Dr Anne Summers, to mark the occasion. We saw the IWD March and Festival which began at the State Library lawns. It was wonderful to see the South Australian Feminist Collective, Working Women's Centre, Women's Services Network and a wide range of other important women's organisations attend that.

These awards and all the activities that occur through the week marking International Women's Day are a way in which we can say thank you for the extraordinary lengths some women go to in creating a better society, usually without any public acknowledgement, and I hope that the chamber continues to go along to these events, and I encourage them to do so in 2014.

CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLES) AMENDMENT BILL

Second reading.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:21): I move:

That this bill be now read a second time.

I am very pleased to be here as the Minister for Aboriginal Affairs and Reconciliation, speaking on the Constitution (Recognition of Aboriginal Peoples) Amendment Bill today, in the presence of many distinguished visitors and on Harmony Day also—a day of cultural respect for everyone who calls Australia home from the traditional owners of this land to those who have come from many countries around the world to live here.

Honourable members would be aware that last year the Premier made a commitment that this government would ask the parliament to amend the constitution to recognise our Aboriginal peoples, to acknowledge our state's history in this regard. He wanted all South Australians, and in particular Aboriginal South Australians, to have the opportunity to be involved in these changes, so he invited a group of eminent South Australians to form a panel to assist the government to consult with the people and provide options for the government to consider in implementing that commitment.

It is with much pleasure and gratitude that I acknowledge the contributions of Professor Peter Buckskin, Dean and Head of School at the David Unaipon College of Indigenous Education and Research, University of South Australia and Co-chair of Reconciliation SA; Ms Khatija Thomas, Commissioner for Aboriginal Engagement; Ms Shirley Peisley, Aboriginal elder, former co-chair of Reconciliation SA and an absolute living treasure; the Hon. John von Doussa, former judge of the Federal Court and Supreme Court, and former president of the Human Rights and Equal Opportunity Commission; the Hon. Robyn Layton, former Supreme Court judge and current Co-chair of Reconciliation SA, and I note that she is a strong advocate for this reform both here and across the country, as are all of our panel members.

I record the government's thanks for the panel's dedication to its task, its excellent report and the breadth and sensitivity of the consultation process. I will talk more about the consultation process presently but first let's look at some history. South Australia was proclaimed as a free province by the Parliament of the United Kingdom passing the South Australia Colonisation

Act 1834. This act was followed by the 1836 letters patent which amongst other things contained the following clause:

Provided always that nothing in these Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the Persons of their Descendants of any Land therein now actually occupied or enjoyed by such Natives.

Shortly thereafter the South Australia Act 1842 was passed by the UK Parliament which members may be aware provided for a governor and at least seven other officers to be appointed to from a Legislative Council for the governance of South Australia.

In the century following, the system of representative government in our state evolved. There were changes to the legislative instruments that provided for the governance of the state, leading to the Constitution Act 1934.

This is an act of parliament that applies to all people in South Australia. It sets out the rules for governing the state, the relationship between the parliament, the government and the judiciary, how members of parliament are elected and how laws are to be made, and yet it makes no mention of the Aboriginal occupation of the lands and waters that were proclaimed, nor of the relationship of Aboriginal people with those lands and waters. New and respectful words can help to address those omissions. While, perhaps, injustices cannot be undone, they can, at least, be acknowledged.

I mentioned earlier that today is Harmony Day. The significance of this day is well summarised in the words of an Aboriginal organisation in response to the discussion paper. I quote:

Australia takes pride in its legacy, and basks in the repute of being a land of 'equal' opportunity.

We embrace multiculturalism and all that it stands for, and make allowances for peoples of varied creeds and colours. We extend our 'hands' in 'mateship' and acceptance. We do not question.

Where we fail, is that we look over the back fence too often and neglect what is already in our backyard and has been for thousands of years—'Aboriginal people'.

We overlook the very people whose life blood exists in the land itself, and we have made them 'exclusive' both in society in which they live, and in their own country. We 'ignore' them by default.

This has to 'change'.

I agree, and I hope that what we are attempting to achieve here today can be repeated nationally. Changing the state Constitution Act requires only the will of this parliament. Of course, this is quite different from the Australian Constitution, which requires an Australia-wide referendum, or vote, in which the majority of citizens in a majority of states must vote 'yes' for that change. This process has recently been given some impetus by the commonwealth Aboriginal and Torres Strait Islander Peoples Recognition Bill, which the Prime Minister has described as an act of preparation and anticipation—anticipation of the referendum needed to achieve Australian constitutional recognition of our first peoples. As to our state efforts, one respondent to the consultation process wrote:

The constitution should reflect the identity of the people it represents.

It should recognise the unique importance of Aboriginal people to the State, the long relationship Aboriginal people have with the land and waters of South Australia and their importance in the future of the State.

It is also important to have these changes adopted at the State level before the national referendum for recognition in the Commonwealth Constitution happens.

It would be embarrassing...[if] South Australians would be voting on changes to the Commonwealth Constitution that have not been adopted in our State Constitution.

In passing this bill, we ensure that our constitution remains a living document that responds to our times. In relation to Aboriginal people, it means that certain historical facts can now be included; that respect for Aboriginal spiritual, social and cultural practices can be spelled out in our state's founding document; and that Aboriginal South Australians can be recognised as the state's first peoples.

Last month, I had the privilege of speaking at the Reconciliation SA breakfast to mark the fifth anniversary of the national apology to the stolen generations. On that occasion, I quoted the words of former prime minister Paul Keating, which he uttered at Redfern. To my mind, his speech began our journey of reconciliation. He said:

The starting point might be to recognise that the problem starts with us non-Aboriginal Australians. It begins I think with that act of recognition. Recognition that it was we who did the dispossessing.

It is in aid of furthering the process of reconciliation that the government now seeks to have past wrongs acknowledged and to recognise Aboriginal South Australians as our state's first peoples and nations. This bill, of course, is profoundly important for current and future generations of Aboriginal people. It will continue the important process of reconciliation. Recognition will elevate Aboriginal peoples to their rightful place as first Australians, proclaim their identity and pay them proper respect.

As I said earlier, Premier Jay Weatherill was keen to ensure that all South Australians could be consulted on the proposed changes. The panel resolved to assist this process by preparing and circulating a discussion paper which set out the background to the government's commitment. The discussion paper explained how the South Australian constitution can be changed, by looking at other states and at the options for change here. It suggested a form of words that could be used in the amendment and asked a series of questions, largely about the suggested wording.

In total, the advisory panel received 49 written responses and held over 20 consultation meetings across the state: at Umuwa in the APY lands, Coober Pedy, Port Augusta, Berri, Murray Bridge, Ceduna, Port Lincoln, Maitland, Mount Gambier and in the northern, southern and western suburbs and in the city of Adelaide.

Among the written submissions some were representative, such as those from local councils, church groups and community groups with an interest or involvement in Aboriginal matters. At each meeting the panel was represented, where possible, by an Aboriginal and a non-Aboriginal person, and included one male and one female and one person with legal skills. I understand that most of the consultation time was spent discussing the inclusion or exclusion of specific words, particularly about ways to best express the relationship of Aboriginal people to their land and the waters. The panel carefully considered all responses and discussions, and certainly this is evident from their report and the recommendations. Early on the panel had resolved that the recommended amendment should:

- help our state become more unified and reconciled;
- express the wishes of South Australian Aboriginal peoples;
- be likely to be supported by a majority of South Australians; and
- be technically and legally sound.

I believe the bill before us today meets those objectives, and I would like to take a few minutes to look at some of the wording that is of particular importance to Aboriginal people.

This bill records that the making of laws for South Australia occurred without proper and effective recognition, consultation or authorisation of Aboriginal peoples of South Australia. There had, of course, been some interaction with Aboriginal people prior to the date of the constitution, but at the consultation meetings Aboriginal people explained that the failure to properly and effectively consult was deeply offensive to the respectful way in which they themselves conduct negotiations with different Aboriginal groups about coming on to land or about the use of land.

The bill also acknowledges the apology given to the stolen generations by this parliament in 1997. That apology, offered by then minister, the Hon. Dean Brown, and supported by all parties in both houses led the nation in acknowledging past wrongs to the stolen generations. This bill goes further, giving general recognition to those past sufferings that were not the subject of the apology, by acknowledging that Aboriginal peoples have endured past injustice and dispossession of their traditional lands and waters.

The panel has reported that people who identified as Aboriginal during the consultation meetings expressed in various ways how Aboriginal people have suffered as a result of dispossession from land. Some personal stories were shared about conduct in which their grandparents, parents or other family members, or indeed they themselves, had suffered at the hands of early colonisers and later from non-Aboriginal people. This also included the taking away of children, the stolen generations.

These are living memories and their effects are ongoing. I understand that it was clear during the consultation meetings that these factors brought about a real sense of loss of cultural identity and language. At the same time it was said that Aboriginal people did not want to pass on their grief and loss to future generations. What they therefore wish to see reflected in the

recognition was an acknowledgment of the past injustices, together with a reference to the 1997 apology. I am pleased that this has been reflected in the bill before us.

In the course of the consultation there was some discussion and comment on the use of the words 'traditional owners' rather than 'traditional custodians' of land and waters in South Australia. Those who identified themselves as Aboriginal people in the consultation strongly supported 'traditional owners' rather than 'traditional custodians'. This was because 'owners' is the best word in the English language to express the fact that within Aboriginal culture concepts of ownership of land do exist.

For example, each Aboriginal group knows the boundaries of their traditional lands, and different Aboriginal groups have the right to exclude Aboriginal people from other groups entering their land. They have the right to grant permission for such groups to travel across their land, or to enter it for cultural purposes and to share the fruits of their land. This exclusivity of rights over land obviously has strong similarity to our concepts of ownership.

Further, the Aboriginal people have explained that the word 'traditional', in conjunction with the word 'owners', also reflects factors which make Aboriginal ownership of land different from the English concept of ownership of land, that difference arising from Aboriginal peoples' deep spiritual, social and cultural connection to their land. We wish to respect this unique connection and express it as best as we can. The concept of traditional ownership embraces the further points of recognition. Using the words of the bill, that for Aboriginal peoples:

their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws, which are of ongoing importance.

Again, the firsthand information gathered by the panel explains that these practices reflect the Aboriginal law which governs their way of life and their interpersonal relationships. It is not enough to say that their spiritual, social, cultural and economic practices are just related to or connected with their land, rather the relationship between Aboriginal law and the land is that the Aboriginal law comes from the land and their beliefs are inseparable from the land. Aboriginal peoples have great respect for that land.

It is surely time for respect to be recorded in our state's constitution, time for the deep respect that can be shown to our state's Aboriginal people by formally acknowledging them as our first peoples and nations, by recognising their traditional ownership of and relationship with the land and the water, by recognising their heritage and their contribution to our state and by acknowledging that they have endured injustice and dispossession; and these words of acknowledgment, recognition and respect are not to be simply spoken today and written down in the records of this parliament, they are words to be included in the state's most fundamental document—our constitution, our rulebook. They are the words which we talk about in this place today and which have been talked about in the other place and which received unanimous support there. They are words that walk us further along the path towards reconciliation with our Aboriginal peoples. Mr President, it is time.

The Hon. T.J. STEPHENS (15:36): It is with a great deal of pride that I rise as the lead speaker for the opposition and indicate our support for this bill. This bill seeks to insert a new section into the Constitution Act recognising the establishment of the province and subsequent colony of South Australia, the failure within its establishment to effectively recognise the Aboriginal inhabitants of the same and finally to recognise the apology made on 28 May 1997 that people of South Australia recognise the state's Aboriginal people as its first peoples and as traditional owners of the lands and that they have endured past injustice.

I am proud to say it was the Olsen government who gave that apology almost 16 years ago. South Australia was the first jurisdiction to issue a government apology to its Aboriginal people for past wrongs, continuing a long history of firsts for South Australia as well as reaffirming the tradition of social progress in this state.

Settlement in this country was based around the legal concept of terra nullius—that the land belonged to no-one and was therefore available to be claimed for the British Crown. Indeed, even in this state, in our founding document can be found the words:

thereto consists of Waste and unoccupied Lands which are supposed to be fit for the purposes of Colonization.

Our more mature society now recognises this as a falsehood; however, it took two centuries for the concept to be overturned in Australian law. Terra nullius was overturned in *Mabo v Queensland*

No. 2 by the High Court of Australia in 1992, which prompted the Keating government to introduce native title legislation.

This system of native title coexisting with pastoral and mining leases is the system we have today, and while it is not perfect and there are occasionally disputes, it is a step along the way to reconciling the Aboriginal people of this country with the land of which they were dispossessed; however this was only one element. A gap still exists between Aboriginal and non-Aboriginal inhabitants of both this state and indeed across the entire commonwealth. This gap is in areas of education, health, life expectancy, opportunity and living conditions, particularly in remote communities to name a few.

Having been a member of the Aboriginal Lands Standing Committee of this parliament for a number of years and having had the privilege of being the opposition spokesman for aboriginal affairs and reconciliation at various stages of my parliamentary career, I have seen this firsthand. I have travelled to remote areas of this state and visited Aboriginal communities, some very successful, but many are struggling and have not seen any improvement in my time in this place. This is not good enough.

I have seen many good programs currently running in private schools to provide educational and sporting opportunities for young Aboriginal people. Only last week the committee met with representatives of the Graham (Polly) Farmer Foundation in Port Augusta, which does great work with young Aboriginal people in fostering and encouraging them to go on to bigger and better things. I note, however, that this program is much more prominent in Western Australia than it is here, and that there are not enough programs like this in South Australia.

Recently, I brought issues to the attention of this place concerning Anangu people on their homelands, known as the APY lands. These have been issues relating to infrastructure, welfare dependence and school attendance, to name a few. As I brought to the minister's attention today, school attendances are below 60 per cent at six APY schools, and I encouraged the minister to correct this and come up with solutions, of which the suggested welfare quarantine is one.

However, we are skipping the real issue here, which is how and why Aboriginal people have become welfare dependent. This needs to change. There is no doubt that the conditions and hardships with which Aboriginal people live in this state have been borne out of white settlement, but it is not good enough to say this, to say sorry for the wrongdoing and leave it at that.

The letters patent of 1836, establishing South Australia as a province of the British Crown, state:

Provided always that nothing in those our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the Persons of their Descendants of any Lands therein now actually occupied or enjoyed by such Natives.

The point is that official documents can say one thing, but what happens in practice is what really matters, what truly affects people.

Governments of all persuasions and non-Aboriginal citizens of this country must work together with Aboriginal leaders in bridging this gap, encouraging reconciliation between Aboriginal and non-Aboriginal Australia, but also between Aboriginal people, the land and their culture when asked to assist. Too often I hear criticism of Australia's multicultural society dividing the nation, and in other sections of the community I hear non-Aboriginal people being accused of not being 'true' Australians. I do not agree with either of these points of view. Australia is made up of people from many different backgrounds and cultures of which Aborigines were the first and were distinctively Australian.

British settlement occurred in 1788 and from this we were gifted the rule of law, our institutions of government, and the fabric of our society; however, since this point we have had many waves of immigration, particularly in the 20th century, which have contributed to the mosaic that is Australian culture. The point I make is that we should not be condemning moves to acknowledge Aboriginal culture and native title; we should be embracing it as a fundamental part of Australia and being Australian, for Aboriginality is the only thing that can claim to be Australian from the beginning.

We on this side do not want empty tokenism, but the recognition of Aboriginal people in this state's principal law is symbolic in that it gives Aboriginal people precedence, which they may have had inherently but not overtly, and the prominent place in history and society that they have sought for so long. As mentioned by my colleagues in the other place, this bill is by no means a panacea

to all the current issues faced by Aboriginal people, and many of the tough issues still remain now and in the future, but it is my desire to see improvement in all the areas I previously mentioned.

I think this is one small step towards reconciliation that is long overdue. I congratulate the government on introducing this bill, and also my colleagues in the other place, who have assisted it to pass unanimously. With these words, I commend the bill to the council.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:43): I rise to support this most important bill. As members are aware, on the fifth anniversary of Labor's apology to the stolen generation the Australian parliament passed a bill recognising Indigenous Australians as the First Australians, a vital step towards constitutional recognition. Prime Minister Julia Gillard acknowledged that our current constitution has had a drastic impact on the lives and rights of Indigenous people, saying that Indigenous people did not ordain our constitution nor contribute to its drafting. They had no opportunity to vote for it, yet were all affected by what it said and what it failed to say.

I have long believed that formal constitutional recognition of Indigenous Australians is more than just a symbolic gesture. As the foundation of the rights and laws of the Australian people, a constitution that excludes and ignores the first people of our land is not, and can never be, a document that truly reflects the shared ideals of Australians.

It is time to formally recognise this relationship in our constitution. Constitutional recognition of Aboriginal and Torres Strait Islander Australians is about righting a very serious wrong of the past. It is about saying that we as Australians will have laws, rights and a society which is based on a shared belief in equality. It is about saying that discrimination or exclusion because of race or culture must not and will not have a place in our society. It is about saying that we acknowledge and respect the history of Aboriginal and Torres Strait Islander Australians.

As Minister for Regional Development and, more recently, as Minister for Agriculture, Food and Fisheries, I have had the opportunity to see for myself the close relationship that Aboriginal people have with land and sea country. This special bond has often been reflected in the work they choose, such as in agriculture—the iconic stockman of our Far North comes to mind—which binds them ever closer to country.

I have been able to see how some of the mining and exploration activities in South Australia have relied on the knowledge of dedication to country of Aboriginal people. Our country is Aboriginal country and it is important that we recognise that the unique Aboriginal culture enriches and distinguishes modern day Australia just as it nurtured and shaped the land.

As Minister for the Status of Women I have been honoured to have had the opportunity to work for and represent the women of South Australia and I deeply admire the significant role of women in Australian life. I have been very fortunate to meet some truly inspiring women who are achieving great things in their communities and, in particular, Aboriginal women. Aboriginal women can play pivotal roles in their communities, and I have met many of these women. They are the ones who so often hold their communities together; they have been at the forefront of advancing and addressing issues that are important to the wellbeing and future of their communities.

The Office for Women coordinates the state's Aboriginal Women's Gathering every year and I am always humbled and inspired by the many fabulous women that I meet there. There are too many to name but I want to place on the record my respect and admiration for the passion and commitment these women bring to the gathering.

I have also had the opportunity to specifically acknowledge the efforts of Aboriginal women through the Jay Weatherill government's Women Hold Up Half the Sky Award which recognises the outstanding contribution women make to their communities. In 2013, the award went to Lucy Evans, a highly respected Narungga woman who has been actively involved in Aboriginal health in the Port Pirie region for over a decade and who has been instrumental in improving health outcomes for Aboriginal people.

Aboriginal women's advocate Pat Waria-Read was the inaugural winner of the award in 2011. A very proud Ngadjuri woman, she was recognised for her outstanding and tireless work as a teacher, mentor, and advocate for Indigenous women's rights at the community, state and national levels. She was a very worthy recipient of the award and her work is an inspiration to all women. In a country as diverse as Australia, it is important to ensure that all men and women are given the

opportunity to participate in their community and to contribute to make a difference. It is important that we recognise these women, including Aboriginal women.

But the time has come to do more than this: it is time to give constitutional recognition to Aboriginal and Torres Strait Islander people. Many would say that this is perhaps the highest level of recognition that can be given. This is not just about Aboriginal people, of course; this is about the entire nation. It is not about looking back, it is about looking forward and moving forward as a truly united, fair and progressive nation.

The Hon. K.J. MAHER (15:48): I rise to support this bill. This bill acknowledges and respects Aboriginal peoples as the state's first peoples and, while it is nearly 200 years overdue, it is a very good thing. I want to pay tribute to the work of the advisory panel, convened by Professor Peter Buckskin—who I regard as a good friend and an occasional source of wise advice (that is the occasional source not the advice being occasionally wise) and with whom I share a number of battle scars from working in the politics of Aboriginal affairs; Ms Khatija Thomas; Ms Shirley Peisley; the Hon. John von Doussa; and the Hon. Robyn Layton. The words that make up this bill are a credit not just to the work and extensive community consultation that you have all undertaken but stand as a testament to the many years you have all spent advancing reconciliation and Aboriginal rights and wellbeing. Thank you for your work.

I also want to acknowledge the continuing work and positive contribution of some of my parliamentary colleagues in this area: the member for Giles with whom I have shared many chops and sausages at barbecues at Umuwa while trying to solve many problems with varying success; the Hon. Terry Stephens and the member for Morphett, whose genuine commitment for finding bipartisan solutions I admire; the Hon. Tammy Franks whose determination and advocacy are impressive; former ministers—the current Premier and the member for Colton—who I know gained wide respect in Aboriginal communities around South Australia; and of course the Hon. Ian Hunter who has only been in the portfolio a short time but whose passion and commitment are already serving the portfolio well. It would probably be remiss of me not to mention and acknowledge the late Terry Roberts whose role and dedication in Aboriginal affairs, I know, is the one thing he wanted his working life to be remembered for.

The recognition of traditional owners, the historic and continuing importance of their spiritual, social, cultural practices and beliefs and their contribution to this state are important things to record in the state's most important document—our constitution. There is occasionally criticism that statements such as these are mere symbols and do not go far enough. I can remember a debate in this place a few years ago about whether the practice of acknowledging traditional owners before public speeches might be mere tokenistic symbolism and unnecessary. I think words, what they mean and what they recognise are critically important.

This was made abundantly clear to me when Kevin Rudd delivered his apology to the stolen generations just over five years ago. As the Hon. Ian Hunter repeated some of the words from Paul Keating's Redfern speech, I think it is worth repeating just a few words from the stolen generations apology. As Kevin Rudd said:

For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

I vividly remember those words being spoken that day, watching the apology on the big screen in Elder Park. Those words had a profound impact, not just on me, as I held my then three-month-old son trying to imagine the impact previous policies inflicted, but also on many members of the Indigenous community who suffered as a result of children being taken away.

Did that 'sorry' statement give back to parents all those years missed with the children who were stolen? No, it did not. Did it give back the full connection to a proud and ancient culture that was stolen from a lot of young people? It did not, but it was very important. The words of that apology, like the words we are adding to our constitution are important. They help to right historic wrongs and they give recognition.

Are these words all we should do for reconciliation, in correcting historic wrongs or in addressing the unacceptable levels of disadvantage faced by so many Aboriginal South

Australians? Of course they are not, but we should not hold off on such recognition because of the fact that there is so much more to do.

As many would be aware from my first speech in this place a couple of months ago, I have a very strong interest and passion in this area. I am also immensely proud that my family has a make-up that includes Aboriginal ancestry. Although it has not played an active role in my growing up—I have never had to endure the disadvantage of racism that so many face—my mum has become an accepted and contributing member of the Aboriginal community in Mount Gambier. It is with great pride that I hear her respectfully referred to as Auntie Viv.

I also feel a deep sense of pride, belonging and connectedness when, occasionally, in an Aboriginal community, a person pulls me aside and asks me what country I belong to or what Aboriginal community I am from. But most of all, today I am exceptionally proud to be part of a parliament whose members are united in making this change to our state's constitution, a formal recognition of the traditional owners and the oldest living culture in the world.

Honourable members: Hear, hear!

The Hon. T.A. FRANKS (15:53): I rise and acknowledge, of course, that the land we meet on here today in this parliament always was and always will be Aboriginal land and I also acknowledge the elders, past and present, and those here in the gallery, which is pleasingly full today. I welcome the South Australian government's commitment to granting formal recognition of Aboriginal peoples as the first peoples of this state.

As the state's Commissioner for Aboriginal Engagement, Khatija Thomas, speaking at the Schools Constitutional Convention that I attended and observed in this place in August 2012, so eloquently put:

The Constitution is like the birth certificate of our nation, but that birth certificate is at present silent about where our nation truly comes from.

Indeed, it is silent not only on Aboriginal peoples but of course the nations and peoples of the Adnyamathanha, Antakarinja, Arabana, Arrernte, Banggarla, Bidjali, Buandig, Danggali, Dhirari, Dieri, Karangura, Karuwali, Kurna, Kokatha, Kuyani, Luritja, Malyangaba, Meinantang, Meru, Mirning, Nakako, Narangga, Nawu, Ngadjuri, Ngalea, Ngamini, Ngargad, Ngarrindjeri, Nokunu, Nyanganyatjara, Paramangk, Pitjantjatjara, Pirlatapa, Ramindjeri, Tangani, Tanganekald, Wadigali, Wangkamana, Wangkangurru, Wiljali, Wirangu, Yandruwandha, Yankuntjatjara, Yaraldi, Yarluyandi and Yawarrawarrka.

Those are the names that I could find from the map. I did ask the library for a list; one did not exist, so I apologise if I have left off any names. I am sure Hansard will be open to amendments should any be missing and I am informed of them. Those names, of course, were not present on the birth certificate of this state. As some people know, it was well known that those peoples had been here for some 60,000 years prior to our birth as a state of South Australia, but the fact that this was known was sometimes seen as an inconvenient truth.

Of course at the time of the South Australian state constitution's drafting by those founding fathers it was indeed a very male dominated birthing process. Women did not yet have the vote across the nation, albeit in South Australia that right had recently been won. As some may be aware, those rights were won for Aboriginal women, but certainly not through design or intent, but rather by accident. Moreover, people who were Aboriginal and Torres Strait Islanders of this island nation were not considered human; they were considered part of the fauna.

Subsequently, the first peoples of what has become the state of South Australia were not in any way consulted about the content of this state's founding document, the constitution. Of course, the constitution is in South Australia an act of parliament. The Constitution Act 1934 applies to all people who live in South Australia and includes: the rules for governing the state of South Australia; the relationship between this parliament, the government and the judiciary; how this parliament is elected; and how laws can be made. Aboriginal occupation and custodianship of the land and waters of South Australia is not currently acknowledged in this state's constitution and nor are the spiritual, social and cultural practices of Aboriginal peoples in relation to the land and the waters. Therefore, I commend the leadership of Premier Jay Weatherill on this. On 28 May 2012 he stated:

It is important that we recognise our state's history and Aboriginal people as the first people of this state that this is the next step in our journey of reconciliation with Aboriginal South Australians.

I could not agree with him more, and I commend him for that. As the Minister for Aboriginal Affairs and Reconciliation mentioned, the state constitution is not like the commonwealth process. No referendum is required here, as we may change our Constitution Act by the support of both houses of this parliament.

It is different, and I certainly hope that at a federal level we will see the changes necessary for true constitutional recognition. I acknowledge that that will be a more difficult process, but I do hope that this process today makes that goal a reality much quicker. It is perplexing to me as a Greens member that we have not as a state parliament made this recognition prior to this day. However, I do commend the leadership of the Jay Weatherill government for that.

I also commend the President for his acknowledgement today of country and of the state's true heritage. I trust that we may hear that acknowledgement in this place in the future. And although I do respect that it is a matter for him as the Presiding Officer, I would certainly support him in that in the future. However, today the duty and responsibility lies with the present generation to update and amend this state's constitution here today in order to reflect and pay long overdue respect to Aboriginals Torres Strait Islander people.

Like others, I also pay tribute to the panel that has brought this bill to us today. As all members here know, the South Australian government established an advisory panel to seek community views about the options for achieving this constitutional recognition bill that we have before us. I acknowledge the work of Professor Peter Buckskin (Chair), as well as Shirley Peisley, the Hon. Robyn Layton, the Hon. John von Doussa, and Khatija Thomas (Commissioner for Aboriginal Engagement).

The panel have gone to great lengths, and the minister covered the extensive consultation processes that they undertook. I was at two of those events, some of which were not even listed in the formal list of consultations, so I know that they worked long and hard to bring this bill and these amendments. They were not only consulting with the people of South Australia, both Aboriginal and non-Aboriginal, but also with all political parties and Independents and led by the government, so I thank you for that.

The main issues that were addressed by the amendments before us include the acknowledgement of the Aboriginal occupation, custodianship and ownership of South Australian lands and waters, and the spiritual, social and cultural practices of the Aboriginal people in what are now our state boundaries prior to European settlement. But I cannot go further without noting that we do not have equality in this nation, and this is Closing the Gap Day. It is a day to reflect that we have not yet achieved equal outcomes. We still have disadvantages in many parts of our community but nowhere is that seen more starkly than with Aboriginal people.

The potential benefits of the amendments to this state constitution here today come in numerous forms. They seek to redress discriminatory historical practices and to advance the movement of reconciliation. Indeed, they should go some way to improving our own democracies here in this parliament, I would hope. I cannot but remark on the fact that at the moment in this country we have the Northern Territory intervention which had no consultation, not only with Aboriginal and Torres Strait Islander people of that region but also the state and territory governments.

The move to amend the state's constitution, I believe, will lead to a further sense of collaboration and involvement in participatory decision-making with Aboriginal peoples and, as elected members, I believe that we have a large part to play in that. I would hate to see this state ever enact measures such as those that we see in the Northern Territory even to this day.

Today presents us with a moment in time. It is a day for respect. It is a day for recognition and it is a day to reflect—reflecting on the wrongs of the past and working beyond the convenient forgetfulness of the European historians of this nation and these nations, walking together towards healing and forgiveness, taking that journey towards our shared future where history is not forgotten but neither is it repeated. Again, I have drawn from the words of the Commissioner for Aboriginal Engagement in this state, Khatija Thomas, when she made the following observation that there is:

...no more practical method to deal with entrenched racism than by removing it completely from government legislation.

That certainly rang true for me and I would hope that at a federal level that will be the outcome of those moves at the national level. I hope that the suspension of the Racial Discrimination Act would be something that we will consign to the darker pages of our history.

We will not eliminate all racism here today; however, I believe that we will work towards the ending of it. The work of the panel, the work of those involved in this movement and the work of those involved in reconciliation is work towards respect and recognition. It is not easy work but it is necessary work. It is the real heavy lifting that is required if we are to have equality in this nation. It is work that, as the Hon. Kyam Maher says, can often be dismissed by some as merely symbolic. That assumption that it is symbolic denies the very power of symbolism and the real impact of the symbolism of racism. Anyone who has suffered from a culture of racism will attest that symbolism is, indeed, a very real and powerful thing and a very difficult thing to overcome by one individual.

Casting our minds back to ancient history, let us not forget there is a past in this nation of at least 60,000 years prior to 1836, and let us not forget the more recent history where the peoples of over 40 nations within the mapped boundaries of this state, and, indeed, the several hundred nations across the continent of this island, were treated as invisible, sub-human and somehow lesser. Let us remember there was a past where policies and practices sought to assimilate and eradicate the very existence of the first peoples, where those who invaded or settled were guilty of murder, rape, poisoning, stealing, paternalising and, more recently I believe, patronising. Let us pledge as a parliament today that we will never repeat these crimes against humanity or, should we see them, we will never stay silent.

Let us also remember that there is still some way to go. Whilst the bill before us acknowledges the letters patent it does so with a caveat. I am somewhat disappointed that the letters patent has been inserted with a caveat. I know that some share not only that disappointment but even stronger feelings with regard to that. I am pragmatic enough to know that this is a further step in the journey and that there are many more things that we can continue to do. Certainly, our unique heritage and the existence of the letters patent document is something that all South Australians should be rightfully proud of and make a living document as a living and breathing part of our current democracy.

In conclusion, many people have already mentioned the words of Paul Keating. When I heard the Redfern speech I cried. I grew up near Redfern and my half-sisters lived in Redfern and I know how powerful that speech was to many of my generation. I suspect Don Watson actually wrote the words—

An honourable member interjecting:

The Hon. T.A. FRANKS: No? I am assured he did not. I did not have the power of the words of Paul Keating, but I do want to draw on one final quote, which is the power of the words of a remarkable woman, Gladys Elphick, who said:

We don't want to walk in front. We don't want to walk behind. We want to walk along side by side.

With that, I commend the bill to the council. I trust that we will see today remembered as a day for the first among equals and I trust that this will be a day where we will work for true equality.

The Hon. S.G. WADE (16:08): I rise to speak on the Constitution (Recognition of Aboriginal Peoples) Amendment Bill 2012. The bill proposes to insert provisions in the Constitution Act 1934 to recognise the Aboriginal people of South Australia. The bill is not merely the correction of an historical oversight, it is also the reaffirmation of the constitutional aspirations with which South Australia was established. The letters patent and the proclamation are two key constitutional documents which both made reference to Aboriginal people.

On 19 February 1836, King William IV issued the letters patent for the province of South Australia, which, as other members have quoted, stated:

...that nothing in those our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the Persons of their Descendants of any Lands therein now actually occupied or enjoyed by such Natives.

On 28 December 1836, the proclamation of the province was read, including the following words:

It is also, at this time, especially my duty to apprise the Colonists of my resolution to take every lawful means for extending the same Protection to the Native population as to the rest of His Majesty's subjects and of my firm determination to punish with exemplary severity all acts of violence or injustice which may in any manner be practised or attempted against the Natives who are to be considered as much under the safeguard of the law as the Colonists themselves, and equally entitled to the Privileges of British Subjects. I trust, therefore, with confidence to

the exercise of moderation and forbearance by all Classes, in their intercourse with the Native inhabitants, and that they will omit no opportunity of aspiring to fulfil His Majesty's most gracious...intentions.

The painting of Charles Hill in the western upper gallery of this council depicts the scene of the reading of the proclamation. I think it speaks volumes that the painting shows a few Aboriginal people on the fringe observing from afar.

The constitutional instruments of the state did evolve. Ninety years after settlement the Constitution Act 1934 was enacted and remains our key constitutional document and the act which we are here seeking to amend. This act did not provide acknowledgment of Aboriginal people. In spite of the protection promised to Aboriginal people under the constitutional framework, over the last 175 years Aboriginal people have experienced dispossession from their land, removal of their children from their families and the denial of civil and political rights.

South Australia did take some positive action to recognise Aboriginal people. In 1844 Aboriginal people were recognised as being able to give evidence in courts of law. Aboriginal men received the vote in 1857. Whilst it seemed that few Aboriginal people seemed to be aware of their right, there was a polling booth at Point McLeay in the 1890s. Most of South Australia's pastoral leases gave Indigenous people the right to go on to the leaseholds.

I revisit the documents and the history for two reasons: one is to highlight that today's bill is the reaffirmation of aspirations of the South Australian community from its earliest days, but, secondly, I want to remind the council that the good intentions of this parliament are not always fulfilled. It is incumbent on us to honour this bill with action, to put the aspirations into practice.

In May 2012 the government commissioned an advisory panel of eminent South Australians to consult widely and provide advice to the government on Aboriginal recognition in the Constitution Act. The advisory panel, as has been mentioned, consisted of Professor Peter Buckskin, Ms Khatija Thomas, Ms Shirley Peisley, the Hon. John von Doussa and the Hon. Robyn Layton. We are indebted for the work done by the panel. They prepared a discussion paper, established a website, and undertook 20 consultation meetings in regional and urban centres. The meetings and the 49 written submissions showed broad support for constitutional recognition, and on behalf of this council I join in thanking the panel for its work.

The bill, which the government prepared in response to the work of the consultation panel—the bill that is before us today—has a number of elements including:

- the acknowledgment of Aboriginal peoples as the state's first peoples and nations;
- recognition of Aboriginal peoples as traditional occupants and owners of the land in South Australia; and
- acknowledgment that Aboriginal peoples have endured past injustices and dispossession in their traditional lands and waters.

The bill specifically provides that the measure is to have no legal force or effect. The government considered that this provision is important to protect the act of formal recognition from being subject to technical legal objections.

The bill is an act of symbolism. I do not mean that statement in any way to be pejorative. Symbols are important, and acts of symbolism can have strong and lasting positive impacts, but symbolism becomes hollow rhetoric if we do not come together to use these acts as a foundation to deliver better outcomes.

Reconciliation is an ongoing process. On 28 May 1997, on the motion of the minister, Dean Brown, this parliament issued Australia's first parliamentary apology to Aboriginal people for removing their children from their families. Five years ago, 11 years after the motion of the South Australian parliament, former prime minister Rudd made an apology on behalf of the nation. In terms of the constitutional recognition of Indigenous people, South Australia is following the lead of New South Wales, Victoria and Queensland, states which have already changed their constitutions in order to acknowledge their Aboriginal peoples. In recent weeks the federal parliament has taken steps towards recognition at the federal level.

In terms of this ongoing work in South Australia, I note the comments of the former minister for Aboriginal affairs, the Hon. Paul Caica, who said that, 'It is long overdue for the government to have a proper discussion with Aboriginal people about the letters patent.'

I turn now to the issue of ongoing Aboriginal disadvantage. Aboriginal people in South Australia experience a life expectancy 11 years less than other South Australians. In the last decade Aboriginal over-representation in our prisons has increased rather than decreased. NAPLAN results show no progress in closing the gap between Aboriginal and non-Aboriginal students. Money alone will not be the answer. We have to work together, stop making decisions for Aboriginal people and work with them to respond to the challenges we face.

In light of the noble intentions of the past and the relatively poor outcomes that are being delivered, we should be humble. Not humble in the sense of lowering our aspirations, but humble in the sense that, in reaffirming our commitment to deliver solutions, we acknowledge that we do not know what is best for Aboriginal people, that we need to work cooperatively with Aboriginal people to develop and implement solutions.

Whilst I was disappointed with the government's lack of a cooperative approach in the early stages of the development of this bill, I do welcome and acknowledge the bipartisan approach taken in this chamber by the Minister for Aboriginal Affairs and Reconciliation, the Hon. Ian Hunter. I also want to associate myself with the words of the Premier in another place where he said:

...the power of this bill is as much contained in the words as it is in the expressions of support from the broadest possible range of political perspectives in South Australia. The truth is that without that shared commitment, we cannot move forward in the way we know we must.

The Liberal leader has reaffirmed my party's commitment to that shared task. Mr Steven Marshall has committed to continuing to personally serve on the Reconciliation SA board and to remain as shadow minister for the portfolio of Aboriginal affairs and reconciliation.

For my part, I commit to working diligently in my portfolio to advance the interests of Aboriginal South Australians, working with Aboriginal South Australians and with people across the political spectrum. In my view, recognition should be forward looking, not backward looking. We acknowledge the past, not for its own sake. We do so as part of being honest about the present and committing to a better future. I commend the bill to the council.

The Hon. A. BRESSINGTON (16:17): I rise today to speak to the Constitution (Recognition of Aboriginal Peoples) Amendment Bill. This bill has been portrayed as a great historical achievement and is apparently something that the original people of this land welcome and openly embrace. Little has been heard of the voices opposing this initiative or of the pending legal actions that will begin in the Federal Court within the coming weeks.

I am sure that all members in this place firmly believe that every person, group and culture deserve representation without bias in any proceedings in this parliament of the people. I have been asked, as an elected member, to read onto the record a statement of the Original Sovereign Tribal Federation. Mr President, I respectfully acknowledge the presence here today of some of the tribal elders of that federation: Paru Walker, representative of Ramindjeri nation and senior sovereign tribal lawman; and Mark and Colin Koolmatrie, tribal owners of the Coorong and senior tribal lawmen. The statement of the original sovereign tribal federation reads:

The Original Sovereign Tribal Federation is based upon the Equal Sovereignty of each of the Federations member Tribes. The member Tribes of the OSTF are united by way of a common Treaty which also provides for a right of free passage across each other's lands, other than sacred and other ceremonial and important sites, and respect the Sovereignty, Law, Song, Dance and Ceremony of each other of the Member Tribes.

The OSTF Member Tribes do not recognise the Crown's claim to Sovereignty or domain over Our lands or selves, nor Our natural and other wealth.

The OSTF Member Tribes extend Our hand of friendship to all people living on Our lands, but equally, We deny any claim that We are, or ever have been, British subjects and that Our lands were ever transferred to the Crown or the Monarch of England to have as their possessions.

The OSTF Member Tribes have not granted consent for anyone to say otherwise. OSTF Member Tribes do not give consent for any Crown appointed and or paid individual to speak for Us or Our Tribes without that individual having recorded permission from the concerned Tribes' Elders Council to do so. For the record, by Elders Council we also clarify to mean the Council of Elders as established according to Our Tribal law, and not some registered Aboriginal or Indigenous Corporation or such like.

At 3pm on 13 February 2013 the OSTF Served upon the Federal parliament the Declaration of Self-Determination and Nationhood of the OSTF Member Tribes. This Serving of the Declaration was witnessed across the globe although it was largely ignored by the mainstream media, the fact remains that the Federal Parliament was served.

OSTF representatives purposefully attended the Crown's House of Representatives on that day and served the Declaration upon the Prime Minister and the Leader of the Opposition of the Commonwealth to stop the attempt

at highjacking of the Sovereignty of the Tribes via this fraudulently misrepresentative and unconstitutional inclusion into the Commonwealths Constitution of a people who do not give their consent to be included therein.

We deny the claim that the Crown has ever usurped Our Sovereignty and refuse to participate in allowing the Crown to usurp Our Sovereignty by way of an amendment to a Constitution that was only ever meant to have an effect over British subjects. A status the Tribes have never taken up.

It is high time for the Crown's agents to sit at the table and deal with the Tribes in respect of the matter of Sovereignty in a manner which at least shows respect for the Tribes, given the parliaments are apparently unable to show respect for themselves on this matter.

All Australians know the Truth, the whole world knows the truth and it is time for the Australian parliaments to face it square on and deal with it, despite the obvious lack of intent by them to do so until now.

OSTF Member Tribes are prepared to negotiate or litigate. But we are no longer prepared to be subjugated. The time has come for Truth in these matters.

We do not give consent to be recognised in the Commonwealth Constitution nor do we intend to enter into any recognizance to that end with the Crown.

I also have a preamble to the Declaration of Self-Determination and Nationhood of the Autonomous Autochthonous Original Tribal Peoples of Terra Australis. It reads:

To All and Singular to whom these presents shall come,

We, the Autochthonous and Original Tribal Peoples of the Great South Land, the noble Peoples of the Great Southern land known in this modern era as 'Australia', support and address the United Nations in that We solemnly proclaim the United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership, truth and mutual respect. Therefore, in this same spirit and pursuit we adhered to this proclamation and so have adopted the United Nations Declaration on the Rights of Indigenous Peoples as a template to claim and declare Our Sovereignty and Nationhood and all the rights and privileges afforded to nations, both within the United Nations Declaration on the Rights of Indigenous Peoples and according to Our Sovereign Tribal status, to the world.

We, the Original Tribes of this continent, declare to the world that no matter Our geography, tribe, faith or political affiliation we are united as one People through the Almighty, the Creator of all things, the Creator confirms Our Brotherhood and Nationhood, with and by the Creators' will and blessing we exist.

Terra Australis, Terra Australis Ignota or Terra Australis Incognita (Latin for 'the unknown land of the South') was a hypothesized continent, not even appearing on European maps until the 15th century. However, since time immemorial, for many millennia before it 'appeared' on European maps, this continent has been the Sovereign lands of the Original Tribes. Other names used to acknowledge our continent by various other peoples over the times have been Magellanica ('the land of Magellan'), or La Australia del Espiritu Santo (Spanish: 'the southern land of the Holy Spirit'), and La grande isle de Java (French: 'the great island of Java'). Terra Australis was one of the several names applied to the land mass of what is now known as the continent of Australia.

In this Declaration we use the term Terra Australis, for the sake of ease only, in reference to this continent.

We are the Original Tribes and Sovereigns of Terra Australis, and we here-by Declare that we have exercised and are exercising our right to self determination having united as a people to create the Original Sovereign Tribal Federation so as to unify the Original Tribal Peoples under the authority and blessing of the Creator commensurate with our law.

We wish to be known as 'the Autochthonous Tribes of the Originals' and by the short name of 'Originals'. 'Originals' defining the unified joint and several autochthonous Original Tribes, peoples, principalities and provinces of Terra Australis in the geographical region being the land mass that lies in the southern hemisphere of this, our Mother Earth, between the Pacific Ocean in the East, to the Indian Ocean in the West, the Great Southern Ocean in the South and the Timor and Arafura Seas to the North and including the islands around the Island continent within a 200 mile limit to sea.

We, the autochthonous Original Tribal Peoples are the Original Tribal Peoples which are, by way of common Treaty between ourselves, the member Tribes of the Original Sovereign Tribal Federation (OSTF).

'Origine' and 'Original' are terms meaning an autochthonous creation of the creator and giver of life, but in particular respect of this Declaration, these terms mean the flesh and blood Sovereign Original Tribal men, women and or children being from historical and geographical Terra Australis which are party to the OSTF treaty.

We, the Indigenous Tribes of Terra Australis, confirm that we are the most ancient autochthonous Peoples on this, our Mother Earth, and our contribution into the development of humanity is unique. As is our contribution to and maintenance of the most Ancient Tribal culture, songs, dances and ceremonies and the oldest surviving system of law on the planet.

The history of our People can be traced from the birth of time itself on the lands of Terra Australis, the material evidence of which can be found all over the Original Tribal peoples' territories. The Tribal culture and law of this continent are worthy of, and a number have attained, world heritage recognition.

It is Our belief that Our People, our ethnic and Tribal customs, our rituals, culture, Law and languages have emerged throughout these territories over the past tens of millennia—long before legal history and beyond legal memory.

Terra Australis—the Autochthonous and historical homeland territories of the Original Tribal peoples is the continent referred to in modern times by the term 'Australia'.

The most ancient ethno-genetic sources of the Original Tribes are to be found today in the Tribal populations and within the Original archaeological culture of the Continent.

Throughout the millennia the Original Tribes have lived and loved all across the Continent, visited irregularly by representatives of the various European and other cultures across the planet with which we conducted commerce under our own terms and laws as the Sovereign Tribes we were and remain.

Man's Ancient customs state, that flesh and blood man was divided by the Creator into nations and tongues. The Original nations, a creation of the almighty Creator, were Crowned by the hand of the Creator and granted the ownership and custodianship over Terra Australis by him. Proof of this dignity is the acknowledgment by all the Nations of this planet, that we are the unquestionable first and Autochthonous Nations of Terra Australis.

We the Original Tribes, by divine right, are the Creators' assigned owners and legal guardians of Terra Australis and have been since time immemorial. Autochthony, being our Holy mandate—the divine testament of our inheritance—the confirmation of our Royal rule of this, The Creators land 'Terra Australis'.

By the Creators' will we were created the Sovereign Autochthonous Peoples of Terra Australis with unlimited, inalienable and unassailable rights and freedoms as a Peoples and a Nation and with Sovereign authority over ourselves and our Tribal lands.

We have suffered cruel turns of fate; Our Tribes had known peace for many millennia. This was until the arrival of the British on Darug Tribal lands in 1788 at the place now commonly referred to as Sydney Cove.

Since that time the British have attempted to usurp our Sovereignty. They have unlawfully occupied our lands, and, with neither consent nor authority, have stolen and interrupted our Natural wealth, sacred sites, culture, families and other matters and sites of significance to our Tribes. They have done so despite our making it clear to them that this is against our will, law and culture. They have done so despite being mere guests upon Original Tribal lands, and in the process have committed ethnic cleansing on some of our fellow Tribes.

The Crowns' parliaments have attempted to illegally disperse and dispossess Our peoples across the continent in a vain attempt to displace us from our domiciles upon our Tribal lands in an attempt to justify their fraudulent usurpation of our absolute title and sovereignty over our Tribal lands, ourselves, our Creator granted status upon this continent.

We have been pushed out by force from our own lands, and over time, the records of our existence are being gradually eliminated and destroyed in a systematic campaign of genocide and ethnic cleansing. The settlers' parliaments have been waging a campaign of ethnic cleansing and genocide against the Original Tribes since their arrival on our lands.

Our graves are robbed and destroyed by bulldozers, concreted over and flooded with water. Our Relics, Sacred and Holy sites, our bones and artefacts have been looted, stolen and illegally hidden in collections abroad and in foreign museums, and worse, in the homes of private settlers as monuments to their cunning craftiness in destroying the Creator's longest surviving line of humanity and law.

Our People are facing extinction, our tribes are dying out and our tongues are losing their speech. We are the People who are losing our identity, names, voice, and Nationhood—but we haven't lost them yet.

In light of this tragedy we have gathered together from around the continent in order to remind and confirm to the international community of Nations and the People of the world in general of our existence, and to demand and claim our Nationhood and sovereignty as an autochthonous Sovereign Peoples seeking peace, reconciliation, treaty, recompense and freedom from the oppression of the Crown and its greedy Corporate war lords.

Our people are incarcerated at horrifyingly disparate rates for either no legitimate reason or for disobeying the statutes of a Crown which has no right to rule over Us as Tribal Sovereigns.

We have taken our future in our hands, placed our feet firmly back on the path of self-determination as one Autochthonous Original collective and determined our way forward.

We respectfully demand that the UN, the EU, Russia, the United States of America, The United Kingdom and Australia in particular, and the international community of nations as a whole, to uphold and defend the rights that are entitled to us under not only our law, but also various instruments including but not limited to the UN charter of Human Rights, the Declaration of the Rights of the Indigenous Peoples and all other International laws, covenants, mandates, declarations and treaties in respect of the sovereignty and rights of Indigenous Peoples, nations, and human Rights, including, but not limited to, our right to assert and establish our own Sovereign and independent States, as recognised by the International community, in accord with, amongst other things, UN Resolution 2625 (XXV).

I now table this document so that it will be available to anyone who would care to read it.

There being a disturbance in the President's gallery:

The PRESIDENT: Order!

The Hon. D.G.E. HOOD (16:36): It is with some privilege that I rise to speak on this bill on behalf of Family First—that is, my colleague the Hon. Mr Brokenshire and me. I place firmly on the record that Family First is supportive of the bill. I congratulate the minister on bringing it forward to

this chamber. It is an act of symbolism, obviously, but it is also an act of substance. It is rare that we have moments in this place when both opposition and government are in agreement, in lockstep, if I can put it that way, as are all the crossbenchers because, as I read it—and I expect will be the case—this is one of those occasions, so I think that significance in itself is something that we should take note of.

The Aboriginal people in this state and in this country have suffered as a result of the loss of the land that they lived on and the culture that they had developed over a great deal of time. These changes have been thrust upon them; it was not of their doing and not of their choice. It is quite clear that prior to European settlement here in Australia they had a fully viable social and political system in operation and had had for some time. Archaeology and other sources have revealed that the Aboriginal peoples had extensive trade routes throughout Australia, and they traded with people from the islands to the north of Australia as well and, no doubt, other areas that have yet to be discovered.

The various tribes of Aborigines had recognised boundaries and established ways of resolving disputes between their tribes as well. It is unfortunate that this established and functioning way of life was severely impacted upon by white settlement. The Aboriginal people had no defence to the many diseases carried by white settlers. As more and more white settlers took up land for farming, disputes were inevitable, and in many cases the Aboriginal people came off second best. The expansion of white settlement meant the Aborigines were forced from their land in some cases. Prior to the Mabo decision in 1992, the legal doctrine of terra nullius, as I believe the Hon. Mr Stephens mentioned, meant that the law treated Australia prior to white settlement as being unoccupied by any civilised race. The consequence was that the land was taken by occupation without even the need for a treaty.

It must be acknowledged that there was some brutality towards Aborigines—it must be acknowledged. It is sad but true. Of course, where there is bad there is often good. It must also be acknowledged that there were many examples of those who treated Aborigines with great compassion. In June last year in this place I spoke in this parliament about the early Lutheran missionaries in particular who went to extraordinary lengths to improve the lives of Aborigines. They also preserved, and deliberately sought to preserve, much of their culture and language. The good relationship between the Aboriginal people and the Lutheran Church, as well as other churches and charity groups, continues to this day.

The Family First Party has been a firm supporter of equality in relation to Aboriginal people in Australia. Our first member of this parliament, Andrew Evans, employed an Aboriginal woman, Andrea Mason, as his personal assistant. Apart from her office skills, she is a very talented singer and had also won a netball scholarship at the Australian Institute of Sport. Before working for Andrew Evans she gained a Bachelor of Arts and then a Bachelor of Laws.

Most significantly, on 8 August 2004, she became the national leader of the Family First Party. According to Wikipedia, and I believe it is correct, Family First was the first Australian political party to have an Indigenous Australian woman as its leader. I believe that we are still the only Australian political party to have an Indigenous woman as its leader. She contested the 2004 federal election as Family First's lead Senate candidate for South Australia but was unsuccessful, narrowly.

I trust that the recognition given in this bill assists in the longer term goal of restoring a sense of pride and hope in Aboriginal people. They have much to be proud of and have contributed much to our society and no doubt will continue to in the future.

The Hon. CARMEL ZOLLO (16:40): I rise to add my support to this important piece of legislation and to make a short contribution. The Premier in the other place in his concluding remarks said that this bill is of profound importance for current and future generations of both Aboriginal and non-Aboriginal people. I concur with his comments. I also agree that it is long overdue and that it is a critically important mark of respect of Aboriginal peoples past, present and future.

I am pleased to be part of a government to have made this commitment to Aboriginal peoples to amend our constitution to give formal recognition to them as the first peoples of our state. I believe it is a real and powerful demonstration of this parliament's commitment to furthering the reconciliation process. I believe the process used by the government to see our constitution amended has been one of inclusiveness and consensus and has enabled a thorough consultation process. Our constitution should not reflect just those who came to this state from across the seas

but the most important, those who were already here, the Aboriginal peoples and their long relationship with the land and waters of South Australia.

Like so many people who live in the suburbs, I did not have a great deal of contact with Aboriginal people prior to becoming a member of parliament. I have had the opportunity since that time to witness the dignity and commitment of many in furthering the recognition of Aboriginal South Australians and to see wrongs reduced.

As a minister in particular, I had the opportunity to meet more Aboriginal South Australians and gain a better understanding of the many issues facing our Indigenous community, especially on the lands. We have so many people with strong leadership qualities who stand up on behalf of their community, including very strong women. The Minister for the Status of Women had the opportunity to mention some of them and we have some very respected women in the gallery here with us today.

Yet, there is still a lot to be done and a long way to go but at the same time I do not wish to do other than acknowledge the many organisations that work hard to improve the lives of our Indigenous South Australians. As well, we celebrate the many individual successes of those in our Aboriginal community just as we celebrate those individual successes of other South Australians.

The bill before us acknowledges and builds on the apology given in May 1997 in our parliament on behalf of South Australians. Whilst we all appreciate that reconciliation is an ongoing process, the formal recognition in our constitution of Aboriginal peoples as the first peoples of our state is long overdue and I am pleased to add my strong support to this bill.

I also place on record my appreciation to the panel of eminent and respected South Australians who through their process of consultation and subsequent report to the government has enabled this bill before us. They are Professor Peter Buckskin, Ms Khatija Thomas, Ms Shirley Peisley, the Hon. John von Doussa, and the Hon. Robyn Layton. I know that this act in itself will not necessarily serve to reduce the wrongs of the past but I believe it serves as a foundation statement in telling the whole truth of the past about how this state actually came about.

The Hon. M. PARNELL (16:44): I also rise to support the Constitution (Recognition of Aboriginal Peoples) Amendment Bill 2012. I would like to endorse the comments of my colleague, the Hon. Tammy Franks, who spoke on behalf of the Greens, and I support her remarks.

A number of members have referred to this concept of terra nullius. It was a very convenient device that created a vacuum that new settlers could fill: if the land belonged to no-one then it was quite alright to fill it. It is hard to believe that that had traction in South Australia given the letters patent because the letters patent speak otherwise, that this was not terra nullius. We were all delighted, I think, when the High Court named terra nullius for the fiction it was and it was overturned. It was decided judicially by the highest court in this land that it was a fiction that no longer applied.

Of course, that created another vacuum: what do we replace terra nullius with in a public policy sense? One of the answers is reconciliation. Reconciliation, as members would appreciate, involves a number of elements. The first of those is the acknowledgement and recognition of the first Australians and their ongoing connections to the land and also the acknowledgement and recognition of the dispossession and the injustice that has been perpetrated right through to the present day.

So, that is an important part of reconciliation, but perhaps an equally important part, and probably a more important part, is the question: what do we do about it? What follows next? I accept what the Hon. Ian Hunter (the minister) said, that injustices cannot always be undone but they can be acknowledged, and certainly we are acknowledging them in this bill. The fact that it will become the first operative section of the constitution of our state, the birth certificate, if you like, as other members have referred to, I think is an important step, but what we do next is also very important.

As a lawyer, people have been asking me about the wording of this bill, in particular the wording of the clause that basically says that this recognition does not have any legal force or effect. People say, 'Well, does that mean we are, in fact, perpetuating the injustice by undermining the ability of Aboriginal people to address the injustice of the past?' Now, of course, that is not the case. It might not mean that people can use this constitution as their basis for seeking justice, but neither does it prevent justice being sought through a range of other means.

My colleague, the Hon. Tammy Franks, referred to it as a caveat, and that is one way of looking at it, but I think the most important lesson for us is that when we pass, as we will, this amendment to our constitution and we pass the clause that effectively says that the section will not have any legal force or effect, what we have to remember, deep in our souls, is that we are not let off the hook. No member here today has said that we are, but we need to remember that we are not off the hook when it comes to reconciliation. There is so much more to do in terms of a whole range of indicators, whether it be life expectancy or educational outcomes or health outcomes, we are not off the hook.

So, in terms of next steps in the recognition campaign, certainly we have the national recognised campaign underway. If I can finish my brief remarks with a quick ad, I am looking forward to joining my local reconciliation group in Blackwood, who will be meeting on Sunday 7 April at the St John's school in Belair to keep this conversation going amongst Australians who do believe in reconciliation and are looking for us to redress the problems of the past.

The Hon. R.P. WORTLEY (16:49): I rise to address and support the Constitution (Recognition of Aboriginal Peoples) Amendment Bill. In doing so, I acknowledge the traditional owners of the land on which we gather, the Kaurna people, and pay my respects to their elders, past and present, and to all Aboriginal peoples. I would also like to welcome all those in the gallery who have come here today to watch the passing of this historic and very important bill. I would also like to acknowledge and thank all those people who played a role in the development of this bill, from those on the panel to those people who went to the public consultation sessions and gave their opinions, it all played a significant part in the development of the bill.

This is a historic day for South Australia. This morning's apology and our bipartisan agreement in this place this afternoon to amend our constitution gives us, perhaps, because of the very rarity of such accords, an idea of how parliaments can be a wonderful catalyst for change. I am talking about the change that endeavours to alleviate past injustices, change that looks forward to a more just and equitable future. As I consider the way we found common ground with regard to the Constitution (Recognition of Aboriginal Peoples) Amendment Bill, I recognise that the words and symbols that make up the significant public recognitions and endeavours to right the past injustices are important in moving towards reconciliation and healing.

This place has seen and celebrated a number of such public acknowledgments, the common denominator of which is bipartisan support. It is that aspect that I want to speak about today. In 1997 the Hon. Dean Brown, with the support of the parliament as a whole, apologised to the Aboriginal peoples of this state for the shameful policies of the past. Five years ago, in 2007, the then prime minister made a national apology for those wrongs, and he was joined publicly in this by the then leader of the opposition.

During the election campaign in 2010 both major parties committed to constitutional amendments regarding Indigenous peoples. Last month, on the fifth anniversary of the 2007 apology, the federal parliament passed a bill that recognised Indigenous peoples as the First Australians, in anticipation of constitutional recognition by way of a referendum. The Constitution (Recognition of Aboriginal Peoples) Amendment Bill has likewise received bipartisan support that is the golden standard of goodwill and good intentions, qualities that enable us to rise above the usual rivalries and join together for the common good.

We add our own best efforts through this bill and through our continuing work elsewhere (for myself on the Aboriginal Lands Parliamentary Standing Committee, among other bodies), to advance the cause of reconciliation with our first peoples. The Constitution Act 1934 will now recognise the first chapter of the history of our state by acknowledging Aboriginal occupation and ownership of the land and the waters, and the spiritual, social and cultural practices of Aboriginal peoples in relation to the land and the waters.

While we cannot restore the status quo ante (the way things were before), the bill does restore a crucial element of veracity to the document that sets out the relationship between the parliament, the executive and the judiciary and the conditions under which parliamentary power is held and applied, because now we have a constitution that incorporates a vitally important signifier of our respect for the Aboriginal peoples who went before, those who walk on and are sustained by their land today, and for those generations still to come. I commend the bill to the house.

The Hon. K.L. VINCENT (16:53): I put on the record Dignity for Disability's very strong support for this bill, and I begin doing that by acknowledging the traditional owners of the land upon which this parliament stands, the Kaurna people, and their elders, past and present, whose

footprints meet our own every time they touch this land, and within whose stories we weave our own. Some members may recognise that as the acknowledgment I read into my very first speech in this parliament and, while I certainly repeat it every day in my own way, I thought it important to recite it verbatim on this particular occasion.

Aboriginal reconciliation is often used as something of a political football and spoken of as some kind of noble goal of a caring government, but to my mind reconciliation is none of these things because the need for reconciliation between our nation's first and, I suppose, second peoples arises from a debt—a debt thanks to which our forbearers have prospered at the cost of the health, happiness, dignity and even the lives of the native inhabitants of this country. Because this debt is so often in many ways yet to be repaid, we here in this room are still prospering because of it.

Of course this no longer needs to be the case. We know now that the treatment of Indigenous Australians, upon which our nation is founded, was wrong. By and large, today's Australians realise that race is no reason for two groups of people to be treated differently. We have a new school of thought, we have the resources, and on days like today—although not nearly often enough—we have the political will. So it is time to repay that aforementioned debt.

Of course, no singular action, particularly a symbolic action like what we are discussing here today, is going to do this. The amendments we make today are simply words and I say that as someone for whom words are a great love, but they are at the end of the day only words without legal effect. While there is no doubt that this change to our state's constitution is an incredibly important gesture, we must not forget that it is, in the end, only a gesture and I feel that we have a responsibility to use this change in our words as a springboard that will propel us to change our actions also.

I am extraordinarily proud and privileged to be part of a process that recognises and addresses the long and dark history of the dispossession of the state's Indigenous inhabitants. I will be even more proud, however, if together we can now rally and redouble our efforts to address the social, political and economic marginalisation that Aboriginal people still suffer in Australia today.

Many Aboriginal Australians are still subject to acts of racism, including racial stereotyping and decreased life expectancy. Unemployment in these communities is still disproportionately high, as is the presence of chronic health issues, addiction and disability as well as many other issues which members have already touched on today.

Not too long ago I travelled to the state's Far North and visited the APY lands. There I met with health workers, advocates, community leaders and Anangu people, particularly those with a disability and their families. To say the least, I was struck by the adversity I saw—the harsh conditions, the high cost of living—but I was also struck and deeply effected by the goodwill and perseverance of the people and the genuine desire to work to overcome that adversity.

While I acknowledge the good in the fact that this parliament is uniting today to progress this landmark bill, I will not insult those to whom this bill is most important by glossing over the fact that this parliament, and more so this Labor government, is more often less a source of hope on these issues than it is a source of bitter disappointment. The failures of governments past are well documented, but unfortunately we do not need to look too far back in this present government's history to see examples of disappointment.

During my aforementioned trip to the APY lands it became almost immediately obvious to me that the people living on the lands had been completely left in the dark when it came to being informed about the incoming National Disability Insurance Scheme. This is, of course, in spite of the fact that disability is almost two times more prevalent in Indigenous communities and in spite of the cultural, linguistic and geographical differences that make a timely comprehensive consultation all the more important.

Of course, it was only recently that this parliament rushed through the Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill—a sloppy and dubious piece of legislation that placed more importance on saving the government a bit of embarrassment than respecting the wishes of many in our community. I know that Dignity for Disability has not forgotten this shameful act as I am sure the community has not forgiven it.

While I am proud to be taking a step forward with the passage of this bill today, I am more concerned that it will not be long before we see this government's selfishness and lack of respect and cooperation drag us back two steps again. This is why Dignity for Disability, as a party founded

on ideals of social and economic justice, will continue to work with Aboriginal Australians to ensure that their voices are both heard and heeded.

I would like to express again the deep sense of privilege I feel at being able to take part in such an historic occasion and I feel it would be remiss of me not to offer my humble thanks to those who have been involved in this important process and those present in the gallery today for allowing me to share in this moment with them. With those brief words, I commend the bill to the council and hope that the goodwill and cooperative spirit that we have seen here today will continue and be carried forward by this parliament as we continue to work towards reconciliation because that work is a duty we can no longer afford to ignore.

The Hon. G.A. KANDELAARS (16:59): I wish to acknowledge and pay respect to all the Aboriginal people attending here today. I acknowledge the deep feeling and attachment and relationship of Aboriginal people, past and present, to this country, its land, water and air.

It gives me great pleasure to speak in support of this bill. In supporting this historic bill, I note the advisory panel was also asked to advise the government on the preferred form and content of the proposed statement of Aboriginal recognition. Before I go on, I thank the panel for its very important work.

The panel, both in the discussion paper prepared by the panel and in the panel's report, explained that the proposed amendments to the Constitution Act could be a statement in a preamble of the act or a statement in a section of the act, or a combination of a statement in a preamble and a section of the act. While the majority of responses, both written and in meetings, favoured the combination of preamble and section, the panel reported sound reasons for recommending that the entire recognition be contained in a statement in a section of the act, not the least of these reasons being that no preamble exists in the constitution. To now insert one would be to risk the process for adopting recognition of Aboriginal people being confused with wider considerations of other matters that people may wish to insert into a preamble. This is what happened in Queensland. I do not wish to see such delays and debates here, and therefore support the panel's approach.

I also note that the proposed amendments acknowledge the letters patent that established the colony of South Australia. I understand that a number of participants in the consultation meetings asked whether the proposed constitutional amendments would affect rights that might exist for Aboriginal people under the letters patent. The government's stated intention is that the constitutional recognition will not affect legal rights either by creating new ones or removing existing ones.

The terms of reference of the letters patent were a clear acknowledgement of the occupation and enjoyment of the land by Aboriginal people. The caveat to the recognition—'The parliament does not intend this section to have any legal force or effect'—ensures that the existing rights, whatever they may be, will not be interfered with. This includes any rights under the letters patent, and the expressed acknowledgement of the letters patent shows this matter was not overlooked.

I should mention that the inclusion of the caveat was itself a matter for consultation and discussion. The panel's report notes—

There being a disturbance in the gallery:

The PRESIDENT: Sir, are you leaving now? Sir, you either take your seat and remain quietly or I will ask you to leave.

There being a disturbance in the gallery:

The PRESIDENT: I am now asking you to leave, sir.

The Hon. G.A. KANDELAARS: The panel's report notes that almost all the participants in the consultation meetings were strongly in favour of a caveat on the basis that such a caveat is necessary to achieve the best language to express recognition, whilst at the same time not removing or adversely affecting existing legal rights.

It had been explained that in the discussion paper, if there is a caveat to the wording of the recognition, there is a greater scope for Aboriginal people to have their desired wordings adopted, because there will be less concern for potential legal consequences. If there is no caveat each word will be scrutinised and debated to ensure that there is no ambiguity or legal implication which could either create or remove rights. Further, without a caveat, the recognition is more likely to be a

preamble. There is also some discussion about acknowledging and respecting Aboriginal peoples as the state's first peoples and nations. The panel has reported that the Aboriginal people strongly supported the words, at the same time expressing a preference to use—

There being a disturbance in the gallery:

The PRESIDENT: I am asking you to leave, sir. The police are standing right next to you, sir.

There being a disturbance in the gallery:

The PRESIDENT: Sir, I am asking you to remove yourself from the chamber. Security, would you please remove the gentleman.

The Hon. G.A. KANDELAARS: I will commence again. There has been some discussion about acknowledging and respecting Aboriginal peoples as the state's first peoples and nations. The panel has reported that Aboriginal people strongly supported the words, at the same time expressing a preference for the use of upper case first letters. I understand that the using of upper case first letters in this way may invoke an assertion of Aboriginal sovereignty. This would become a matter for the courts and one would not want to see the present statement of recognition and respect brought into play in legal arguments. As it stands, it is and can continue to be a certain step towards reconciliation.

There being a disturbance in the gallery:

The PRESIDENT: Order! I will call on the minister to suspend the house.

[Sitting suspended from 17:06 to 17:19]

The Hon. G.A. KANDELAARS: Another certain step towards reconciliation can be found in the bill's acknowledgement that Aboriginal people have endured past injustices and dispossession of their traditional lands and waters. It is a fact of history that many injustices and acts of dispossession happened because of the laws of our state. That history tells us that, from the beginning of the colony, the Protector of Aborigines adopted practices that were hurtful to the first peoples and compromised their survival in their own land.

In 1842, the Waste Lands Act enabled the protector to establish reserves for Aboriginals who were dispossessed by settlers, there to be trained to live like Europeans. As the reserves were too small for hunting and the land too poor for farming, they failed and were repossessed by the settlers. Just two years later in 1844, Ordinance No. 12 enabled the protector to place every half-caste and other unprotected Aboriginal child whose parents were dead or unknown into the native school or with settlers as apprentices or servants, another initiative causing immeasurable hurt. The children of course wished to be with their own people and many ran away.

The harsh frontier practices of the 1880s and 1890s, which saw Aboriginal people killed as well as the women being captured and abused, caused some public concern, but not enough to have the practices outlawed by legislation. The injustices continued in the 20th century. The 1911 Aborigines Act gave the government the power to segregate Aboriginal people onto reserves which offered terrible housing, education and medical care. The act also required Aboriginals to have the approval of the chief protector to marry.

A royal commission on Aborigines, which sat from 1913 to 1916, recommended the separation of half-caste and full blood to assist the half-caste population to become useful and self-sufficient members of society. It is almost incredible to note that the commission assumed that the Aboriginal nations would die out, with that population gradually becoming white—the great dispossession.

More recent history is better known. I mention these matters today to show something of what cannot be undone, but to which we can, by the broad wording of the bill, bear witness. Whilst this amendment to the South Australian constitution will not create any legal right or liability in itself, it will neither weaken nor strengthen any other existing laws or rights.

However, the proposed amendment will recognise Aboriginal people as the first South Australians. Adding a statement of the recognition of Aboriginal people to the South Australian constitution is an important mark of respect, furthers the process of reconciliation and is important for the present and future generations of Aboriginal people. I commend this bill to the council.

The Hon. J.A. DARLEY (17:24): I rise briefly to speak on the Constitution (Recognition of Aboriginal Peoples) Amendment Bill 2012. I want to use this opportunity today to speak not only on my own behalf but to share the thoughts and views of Aboriginal people themselves. Whilst this is a very significant day in South Australia's history, one thing that has become clear to me is that it is viewed by many as only the beginning of a far greater and a far more important journey.

As with all matters that are debated in this parliament, there will never be total agreement about addressing an issue one way over another and individuals will have differing views about the sorts of things to which we as lawmakers should give consideration. This issue is no different, and both Aboriginal and non-Aboriginal people have expressed differing views about what this parliament and all Australian parliaments should be doing to rectify the wrongs of the past not only in terms of recognising Aboriginal people as this continent's first people but also addressing the many problems that continue to plague Aboriginal communities and hinder reconciliation.

I have received correspondence from two Aboriginal elders expressing their views regarding the bill, which I would like to place on the record. The first letter has been prepared by Mr Tauto Sansbury, who is here in the gallery today. Mr Sansbury is a well-respected Aboriginal elder of the Narungga-Kaurna heritage, with family links on the West Coast of South Australia. Mr Sansbury was born at Point Pearce Aboriginal Mission on Yorke Peninsula on 2 July 1949 and has been in the forefront of Aboriginal affairs for more than 30 years. He has chaired several national and South Australian bodies and was involved in the Royal Commission into Aboriginal Deaths in Custody. He led both the national and South Australian Aboriginal justice advisory committees for over 10 years, and as a consultant on Indigenous affairs he was also commissioned by the South Australian Labor government's Social Inclusion Unit to report on Indigenous crime.

More recently, Mr Sansbury has been employed in the areas of health and Aboriginal employment. Mr Sansbury is very well regarded in the Aboriginal community and widely recognised for his considerable knowledge of Aboriginal affairs. In 1996 he was awarded the Aboriginal and Torres Strait Islander Person of the Year and in 2003 the Australian Centenary Medal in recognition of his work in law and justice. Mr Sansbury writes:

I write in regard to the Constitutional amendments recognizing Aboriginal peoples and raise a number of concerns as detailed below:

Section 3(3) 'the Parliament does not intend this section to have any legal force or effect'.

The Premier is correct in his observation made last year that 'Some may consider that this subsection robs this recognition process of its significance'.

The bland motherhood statements that form preceding sections of the Amendment Act become even more ludicrous when the amendment reaches the conclusion that the amendment is of no effect.

The Premier has asserted that the act is 'a critically important mark of respect of Aboriginal peoples', that it has the capacity of 'significant value for both Aboriginal and non-Aboriginal people', and that it will 'enhance the self-esteem of South Australia's first peoples'.

The justification for this exercise, and the anticipated 'significant value' referred to above would appear to be speculative.

It is interesting to note that the Aboriginal component of the advisory panel was chosen by the State Government and comprises some State/State-related employees. There is a danger of perceived bias given their relationship and the fact that they were 'hand-picked' by Government, rather than representatives appointed by the Aboriginal community to represent their point of view.

To them is entrusted, in part, the responsibility of consultation with the wider Aboriginal community. The consultation process involved 20 meetings with 150 attendees, both Aboriginal and non-Aboriginal. Can this be seen as a comprehensive consultation with the wider Aboriginal community, given the Aboriginal population in South Australia is more than 30,000?

Section 2(1)(a) refers to the Letters Patent and their role in the establishment of the Province of South Australia. However, it ignores the content of the Letters Patents detailed below, that:

'Always that nothing in those our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the Persons of their Descendants of any Lands therein now actually occupied or enjoyed by such Natives'.

Section 2(1)(b) of the proposed Act acknowledges the previous lack of 'proper and effective recognition, consultation or authorization of Aboriginal peoples of South Australia'. The current consultation process with such a small number of attendees would seem to be in danger of repeating the lack of consultation in the past.

Subsection (2) of the proposed Act laments the 'past injustice and dispossession of...traditional lands and waters', yet the State Government has taken a vigorous approach in Native Title negotiations with native title holders with the effect of minimising rights and interests claimed by traditional owners.

While the proposed Act may be well intentioned, it creates a dangerous sleight of hand scenario. It creates the impression of a tangible benefit to Aboriginal people, while in practical terms their position is not materially advanced. The 'feelgood' emotions it is calculated to create in the wider community tend to mask the real plight that Aboriginal people experience in society. The issues of poverty, poor education, health, housing and over-representation in the criminal justice system, are matters to be addressed prior to the window dressing of an amendment to the South Australian Constitution.

The State is not entitled to rest on its laurels by means of tweaking the Constitution until it has effectively dealt with the core problems facing Aboriginal society. The paper respect and acknowledgement of Aboriginal people is of little value until the living standards and lifespans of Aboriginal people are equal to those of the wider South Australian community.

In addition, the implementation of the fundamental condition placed upon the settlement of South Australia in the Letters Patent of 19 February 1836, as already detailed, is integral to the achievement of this goal and a more meaningful gesture of Reconciliation and respect than is the addition of words to the Constitution.

Until the above occur, the Government will be taking credit where it is not due.

The second letter I am going to read from has been prepared by Mrs Lynette Crocker, a senior Kurna elder or, Nunki Burka, who is a descendant of the traditional owners of the Adelaide Plains. Mrs Crocker, who is also here in the gallery today, was born on 16 August 1945 in Narungga, adjacent to the Kurna Country, so she is also of Narungga lineage. Her father, Frederick Joseph Smith, a returned soldier from the Second World War, was both a Kurna and a Narungga man and her mother, Edith Alice Wilson, was also a Kurna woman with Narungga lineage.

Mrs Crocker is a member of the united Kurna peoples and the native title claim group of the Kurna Nation. She is one of the named applicants in the Kurna Native Title application. She is vice chair of the Kurna Yerta Corporation, founding member of the Kurna Elders Assembly, member of the Kurna Nation Cultural Heritage Association and treasurer of the Journey of Healing Association and ANTAR SA.

Mrs Crocker is also well recognised both in the Aboriginal and the wider South Australian community for her work in Aboriginal affairs. She has campaigned tirelessly for a bill of rights for Aboriginal people and is extremely passionate about Aboriginal affairs generally. Mrs Crocker writes:

My statement is from the viewpoint of the Kurna Elders Assembly:

The Kurna recognise that we are offered an opportunity in the Letters Patent of 19 February 1836 to present an Aboriginal Declaration in remonstrance with the South Australian Parliament on the Truth, Freedom, Justice and Equity denied to all Descendants since 1837 by South Australia.

Here today, 21 March 2013, the first step is being taken by the South Australian Parliament in rectifying the mistakes of the past and this is welcomed by Kurna. This is a new beginning, where we work in harmony together for all South Australians by acknowledging formally what King William IV ordained for the foundation of harmonious race relations for the future prosperity of all South Australians, which includes the natives of this land.

The King was visionary in his proclamation as is evidenced by the following excerpt:

'Provided Always that nothing in those our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the persons of their Descendants of any Lands therein now actually occupied or enjoyed by such Natives.'

The evident good faith of the intentions of His Majesty in the promise of the Letters Patent was for the legal inauguration of Magna Carta to be coupled with the foundation of South Australia for all the inhabitants on the sound basis of treaties with all our ancestors.

We, Kurna, call this Warrirkuttinya, which means respecting, the original owners for always, and as their Descendants, by honouring the spirit of the Letters Patent to the core of the law of the land already here, which the King recognised to uphold for all time.

The next steps will be to, over time, put in place a framework agreement that will build upon the changes that are taking place today. It is never too late to correct the wrong inflicted on our shared decency, honesty and goodwill by recognising and redressing the failed promise of our common liberty for our Foundation Right.

In the formation of such a State agenda could be framed around these seven Rs:

- Recognition of: the hopes, aspirations and spirit of Aboriginal peoples to live in this country, our country, in a more equitable society.
- Respect for the two common concepts/strategies for change in outcomes for Aboriginal Peoples—Reconciliation and Human Rights—which need to work in an aligned not an antagonistic way.
- Rights as a legal requirement, both locally and internationally, when striving for Human Rights and social justice.

- Reform Reconciliation strategies like flag raising, putting up signs and memorial plaques, educating non-Aboriginal communities about Aboriginal Peoples and their issues, so that they overtly include stated Human Rights goals.
- Reciprocity partnerships with local Aboriginal people to work and advocate for the pressing issues, such as: education, housing, enterprise, employment, health.
- Responsibility within the State and its institutions to advance, reform, restructure, include and legislate for empowerment of Aboriginal People within a human rights framework.
- Reparations for all Aboriginal South Australians including all removed children.

The dominant culture must work out how it will deal with what Aboriginal South Australians need in order to enjoy life, and by changing its approach, attain this together. Utilising the framework of the seven R's, one by one, this can be achieved.

Finally, as stated by Geoffrey Robertson QC:

'Restorative justice requires some atonement to Aboriginal Australians...My own Statute of Liberty proposes a preamble by which the Australian people declare that they are:

- Humble in acknowledging the first owners and occupiers of this unique continent whose ancestors have walked about on its earth for many thousands of years before British settlement.
- Sorrowful for the dispossession, discrimination and degradation that they have endured; and
- Resolved hereafter to respect their relationship with the land and to atone for past wrongs by future equity.

Indigenous people have distinct cultural rights and must not be denied the right, with other members of the community:

- to enjoy their identity and culture; to maintain and use their language; to maintain their kinship ties; to maintain spiritual and material relationships with the land and waters according to their customs of old.'

Today marks the 'Grotian moment' (a way of underscoring the view that this is a time of potential transition from one type of world to another...) of our time.

Whilst these two letters, prepared by two of South Australia's Aboriginal elders, appear, on the face of it, to be quite different, I think that the underlying sentiment is similar in many regards. Both Mr Sansbury and Mrs Crocker highlight clearly the need for meaningful reform. They also talk of the need to formally acknowledge the letters patent of 1836. I think we all recognise that today is a most symbolic day for Aboriginal people, but it is by no means the most symbolic.

Whilst symbolic gestures can easily be dismissed as pointless, history has taught us, particularly in this country, they are extremely important to those groups who have been treated unjustly and unfairly. The apologies with respect to the stolen generation and the past practice of forced adoption are poignant examples of this. Equally important, however, is the need to address those injustices and ensure that future generations do not continue to make the same mistakes as did our predecessors.

In her letter Mrs Crocker describes today as the Grotian moment of our time. In an article by Geoffrey Robertson QC, he states that Grotian moments in history are often referred to as:

...times that give birth to a value or a proclaimed principle which is quickly discarded, but in due course re-emerges, freighted with acceptable meaning for a later generation. Similarly, there are events that resonate in a nation's history—actions, deals or documents—that mean more today than they did at the time, precisely because they express values we have learnt, the hard way, to cherish.

As the oldest member of this parliament I look forward to being here to share in the transition from a time of recognition of past injustices and wrongs to a time of honouring the spirit of the letters patent and true reconciliatory progress.

As such I will support this bill because I believe it is a good first step. It is not the only step that we could have taken and I, like many others, look forward to further changes that will advance the rights and recognitions that ought to have been bestowed upon Aboriginal people so long ago. In the words of Geoffrey Robertson QC:

The law is not as the aphorism goes the prisoner of history, other than in the sense that history can liberate law from the chains of statutory jargon and misapplied precedent and infuse it with a meaning that permits justice to be done, according to hard won values that are imputed or implied.

I sincerely hope that history will show that this reform was a key step in the further liberating of our laws and enabling true justice to be done in respect of our Aboriginal people.

In closing, I thank Mr Sansbury and Mrs Crocker for sharing their views on this matter. I also thank Mr Vincent (Jack) Buckskin, Mr Steven Goldsmith and Mr Patrick Byrt for their insights. I also acknowledge all those who played an integral role in the consultation and drafting process for this bill, as well as Reconciliation SA, which made the time to meet with me. With that, I support the second reading of the bill.

The PRESIDENT (17:42): I take this opportunity to thank members of the advisory panel, the government, the opposition and those on the crossbenches for the provision of this bill. Your fervent support and thoughtful contributions have progressed us towards something that can in no way erase the injustices pressed upon Aboriginal South Australians as a result of European settlement, but can at the very least be an act of restitution, signifying a landmark in the process of reconciliation in South Australia.

The purpose, as we have heard, of this bill is to correct a critical exclusion in our constitution, that of the failure to acknowledge the original owners of this land whose lives are lived without separation from country. Therefore, I welcome a statement of recognition of Aboriginal and Torres Strait Islander peoples in the constitution of South Australia, and am hopeful that this bill will pass without incident through this house in time for this year's Harmony Day and National Close the Gap Day celebrations. I commend this bill to the house.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:43): I take just a moment to thank honourable members for their contributions, the sincerity of their statements of acknowledgement of respect and of recognition. I also take a moment to pay tribute to my predecessor, the Hon. Paul Caica, former minister for Aboriginal affairs, for his leadership in pursuing this topic and this bill and getting it to the stage where it is today: thank you very much, Paul, for that. I think Paul would agree that this is an event to be celebrated, but in the celebration, and as part of the respect to which we have committed, we and the bill before us acknowledges past laws that were unfailingly discriminatory, which brought about injustice and indeed caused much of the sadness still felt by some Aboriginal people today.

We acknowledge that our Aboriginal people were overlooked, ignored and omitted from our state's constitution. It is astounding for me to consider this extraordinary act of generosity on the part of the Aboriginal community in South Australia, to have engaged with us in this process. I thank them most sincerely for that generosity of spirit. It has been suggested that recognition alone may not advance the work required to address the current level of social and economic disadvantage faced by so many Aboriginal people. That may be true, but the symbolism of the recognition should not be dismissed lightly. After all, as many have noted today, symbols have a profound effect on us all.

I have quoted extensively in my second reading speech, so I would like to finish with some words of Tania Major, an Aboriginal woman and the 2007 Young Australian of the Year, who once spoke to former prime minister John Howard on Indigenous policy issues. She explained:

The solutions seemed obvious: education, better housing, employment, establishment of real economies and the restoration of social order in our communities. But I also knew that to heal ourselves we needed more than these enabling structures. We needed to regain our connection with our lands, reawaken our cultures and re-establish our identities. Without the former, we would continue to languish in poverty and despair; without the latter, we will simply become another minority in a country full of minorities.

The bill before us is designed to enable these things—to acknowledge and foster a present connection with land and waters and to confirm to us all the identity of our Aboriginal peoples as our state's first peoples and nations. This bill, in its symbolism and deep respect, will make an important contribution to that change and I commend it to the house.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:47): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (APPEALS) BILL

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

At 17:52 the council adjourned until Tuesday 9 April 2013 at 14:15.