HOUSE OF ASSEMBLY

Monday 28 June 2004

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Dog and Cat Management (Miscellaneous) Amendment,
Freedom of Information (Miscellaneous) Amendment,
Gas (Temporary Rationing) Amendment,
Supply.

HOSPITALS, REPATRIATION GENERAL

A petition signed by 19 residents of South Australia, requesting the house to urge the government to maintain the Repatriation General Hospital as an independent hospital to serve the particular needs of veterans and for the hospital to retain its board and receive its funding directly from the Minister for Health, was presented by the Hon. Dean Brown.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 309 and 327.

DNA TESTING

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: South Australia is now seeing the results of expanded DNA testing. In April last year, the government introduced new laws allowing for the testing of all prisoners and suspects of serious indictable offences as well as some summary offences. That means that for the first time in South Australia joyriders and those who wield weapons, commit indecent behaviour, possess child pornography, mislead or assault police are liable to be DNA tested, even if they were only suspected of the crime. This is in addition to the murderers and rapists who are already subjected to testing.

In May last year, I announced an additional $5.7 million towards the implementation of expanded DNA testing over four years, providing 12 new staff and equipment within the Forensic Science Centre where DNA samples are processed and matched. Then, between June and October, three police specialist testing teams collected samples from South Australia's 1 187 untested prisoners and home detainees. Another 2 000 operational police, I am told, were trained to collect samples from suspects. With the Forensic Science Centre's database extensively upgraded for the massive task ahead, cross matching of data began, and 10 800 DNA samples have been added to the database in the legislation's first year—a massive jump on the 500-odd convicted offenders collected in the first four years of operation.

Known people's samples make up a proportion of that database, and at the current rates about 35 per cent are being linked to crime scenes. The testing of prisoners has so far resulted in the matching of suspects to 68 crimes. Of those, seven matters remain under investigation by police and 61 cases are before the courts or have been settled. Forty-four individuals have been charged in relation to the matters before the courts, one third of them now former prisoners. So far this year, another 10 suspects, screened separately from the prisoner testing regime, have also been charged for crimes where there has been no previous match; five rapes; one indecent assault; five aggravated serious criminal trespass; 41 non-aggravated serious criminal trespass; two false imprisonments; one assault occasioning actual bodily harm; three robberies; one arson; five property damages; and 31 thefts. Investigations still pending include: four further rapes; two armed robbery matters; and an arson. DNA evidence has also been found to have supported 54 charges against 10 people who had already been dealt with. I am told that, to date, no results have proven a previously convicted offender to be innocent.

The Democrats, of course, criticise this government for the massive expansion of DNA testing, describing it as:

. . . a gung-ho step that's been exaggerated in its promotion.

They then ask:

. . . why should everybody who's been in prison. . . carry the double jeopardy of having this DNA data which may, at some stage or other, implicate them falsely—

they actually said this—

in a supposed offence?

The message for offenders is that you have a far greater chance of getting caught since we widened South Australia's DNA web.

A number of match group reports are still being processed, and it is expected that they will result in further charges. The involved and lengthy job of processing samples is still ramping up to full speed, following considerable effort on IT systems development. An automated match reporting system now in place is being further enhanced to an internet-based system that will allow SAPOL direct access to cross-matching information and statistical reports after they have been through the extensive quality management process. The government has further invested $3.1 million in this year's budget to assist the Forensic Science Centre's investigation of serious crime and help manage an increasing pathology workload.

So, I guess the message is that no-one who is innocent has anything to fear from DNA testing. DNA testing is the modern equivalent of fingerprinting. I gave a partial quote of what the Democrats said about this and I urge everyone to look at their statements about this which show how ridiculous their concerns were. Ultimately, this government's investment in DNA testing and matching will help reduce the amount of time spent on investigations and in the courts, while making criminals responsible for their actions. Expanded DNA testing is one of the most significant crime fighting advances in our state's history and we are proud to be arming our police with this tool of the new millennium.

NATIONAL CHILD OFFENDER REGISTER

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: Since coming to office, the Rann Labor government has made the protection of our

children a top priority. Our efforts to protect children now and in the future and to catch those who have abused them are well documented. Today I can announce another measure by this government. Later this week, I will be attending the Australasian Police Ministers' Council in Hobart. There, on behalf of the government, I intend to agree to South Australia's joining the Australian National Child Offender Register.

As a result of this important initiative, all persons sentenced for the murder of a child or for a range of sexual offences against children or conspiring to commit such offences will be subject to registration with police. The period of registration will vary from three years to life, depending upon the offence. Those required to register will need to provide defined personal information to police. Case management of registered persons will ensure that they comply with their legal obligations.

It is intended that the offender report to police on an annual basis or within 14 days of a relevant change of circumstances. The offender must supply details of his or her name and other names that they may be known by, date of birth, address, and the names and ages of any children who generally reside with them or with whom he or she has regular unsupervised contact. The offender must also provide: details of employment; details of his or her affiliation with any club or organisation that has child membership; the make, model, colour and registration number of any motor vehicle owned by or generally driven by him or her; details of any tattoos or permanent distinguishing marks—

Mr Brindal: Why do you not just microchip them and be done with it?

The Hon. K.O. FOLEY: Why do we not microchip them and be done with it, asks the member for Unley.

The SPEAKER: Order!

The Hon. K.O. FOLEY: As I said, the offender must provide the details of any tattoos or permanent distinguishing marks that he or she has (including any details of any tattoo or mark that has been removed) and whether he or she has ever been convicted of a registrable offence in any foreign jurisdiction and, if so, when and where that conviction occurred. Police ministers will work on developing a national approach to how much of this information (if any) is made public, but ultimately the South Australian government and the parliament will decide what is best for our state. The whole point of this is to protect our children. We have to make sure that we focus on that very important and vital task. I trust all members will support this important initiative, and I will update the house on its progress.

CHILD PROTECTION

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: As members of the house will know, the government announced in the state budget the allocation of some $148 million of new money for child protection initiatives. A significant part of the budget announcement was the creation of 186 new jobs in roles such as social workers, psychologists and child and youth care workers. Applications for these positions closed on Friday. However, I advise the house that the government is extending the deadline for applications because of the exceptionally high number of applications received. We are advising applicants that we are still accepting applications—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: They are about to make fools of themselves, sir, but perhaps we could get a few more bets on before we continue. Apparently, the contention seems to be that we have not had enough applications. We are advising applicants that we are still accepting applications today and any that come in the post tomorrow. By Thursday last week there were close to 500 applications—for 186 positions. On Friday, because of the number of applications, a newly installed dedicated fax line crashed. Therefore, people are being given extra time to get their applications in, given that they may not have been successfully received last week. I am advised—

Members interjecting:

The SPEAKER: Order! The Minister for Families and Communities has the call.

The Hon. J.W. WEATHERILL: Thank you, sir. I don't think they want to hear this news. I am advised that as well as applications received by fax there were special mail deliveries from Australia Post and that more than 100 people came to reception to drop off their applications. Applications are still being taken from people who have been trying to get their forms in since last week. When the final tally is known in the next couple of days, I am advised that the number may exceed 1 500. That's 1 500 applications for 186 jobs. It is my understanding—

The Hon. P.F. Conlon: He said you wouldn't get them.

The Hon. J.W. WEATHERILL: That's right. It is my understanding that this is the largest single public sector recruitment exercise ever undertaken in South Australia. Over the past two weeks, my department, in partnership with the Office of the Commissioner for Public Employment, provided six public information sessions at Mount Gambier and Port Augusta and throughout the metropolitan region. The first of the public meetings was held at the city TAFE campus on Tuesday 15 June, when the auditorium was filled. Because of the demand, we had to hold a second session, to which a further 50 people turned up. In total, 500 people turned up to these six sessions.

There is still a big task ahead for the job panellists, who are methodically working their way through the mountain of applications, but this result will go a long way towards rebuilding the services which have declined over recent years. The response of South Australians wanting to be part of the change occurring in the Department for Families and Communities is encouraging, and I look forward to updating the house on progress over the coming weeks.

Members interjecting:

The SPEAKER: Order! Grievances will be in just over an hour.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: For the Attorney as well, if he is still here.

QUESTION TIME

MURRAY RIVER

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for the River Murray give the house an absolute assurance that, in negotiating South Australia's share

of the $500 million River Murray initiative down from $125 million to $65 million, there was no compromise that allowed additional water to be allocated to upstream environmental areas at the cost of the River Murray environmental flow in South Australia?

The Hon. M.D. RANN (Premier): One year ago a proposal was put on the table, following all the good works by ministers, for each of the states—New South Wales, Victoria and South Australia—to put in the same amount of money, I think it was $125 million. I argued the case to John Howard and to the other premiers that this was a bit rough because the simple fact of the matter is that we have committed $224 million to our Save the River Murray initiatives, yet we took only 5 or 6 per cent of the water extracted from the River Murray compared to 58 per cent from New South Wales and 31 per cent from Victoria.

The Prime Minister said that he agreed with me, so the commonwealth will subsidise South Australia's share of that, leaving us with $65 million in terms of that share. If you want to argue against John Howard, then have the guts to do so. Let me say this: I got a very strange impression last Thursday and Friday that the Leader of the Opposition supported the federal government in imposing a radioactive waste dump on South Australia but criticised what the Prime Minister described as a historic deal on the River Murray.

The Hon. DEAN BROWN: On a point of order, the Premier is debating an entirely different subject.

The Hon. R.G. KERIN: I have a supplementary question. Given the Premier's answer, how does he explain under clause 41 of the intergovernmental agreement that we have clearly lost significant influence by reducing our funding from $125 million to $65 million, correspondingly reducing our influence on where the flow goes? Clause 41 of the agreement, which the Premier signed on Friday, states:

> All parties to this agreement will have an equal first call opportunity to invest in any proposal on the register of eligible measures up to the proportion of their funding commitment of the $500 million.

The Hon. M.D. Rann: No, because Howard's subsidised our bit.

The Hon. R.G. KERIN: No, that is not what the agreement says.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Minister for the River Murray): I am glad that the opposition is asking questions about the fantastic deal that our Premier was able to negotiate in Canberra last week. The problem for the Leader of the Opposition is that he is mixing up a couple of things. The arrangements in place are—

Members interjecting:

The SPEAKER: Order! One minister at a time.

The Hon. J.D. HILL: Thank you, sir. My voice will not rise above the cacophony. The Leader of the Opposition is confusing two issues: the issue about what to do about the water and the issue about where the water comes from. As I understand them, the arrangement to which he is referring relates to where the water comes from that will create the 500 gigalitres. As I understand the arrangements, New South Wales, Victoria and South Australia will be able to find that quantum of water according to the amount of money that we are contributing to the arrangements.

What happens to that water is the critical thing. Where it comes from is a moot argument. As I understand the arrangements, when we eventually get 500 gigalitres of water, that water will be put into some sort of trust or managed arrangement that I hope will be run by the Murray-Darling Basin Commission. Then that water will be applied to the environmental requirements of the day. We have already indicated that there are half a dozen iconic sites, including three in South Australia—the mouth, the channel and the Chowilla flood plains area. Forget about where it comes from because, once we have that water, it will be used to achieve positive environmental outcomes in those areas. What the arrangements are really saying to Victoria is, 'Okay, your contribution is X amount of dollars. You come up with 115 gigalitres (I think it is; I cannot recall exactly) plus of water.' We will have an opportunity, as I understand the arrangements, to invest in some of those schemes if we choose to. If we do not, they will come up with it themselves and we will invest in other schemes.

The Hon. R.G. Kerin interjecting:

The Hon. J.D. HILL: We have to come up with a minimum of 500 gigalitres. I am trying to explain the basis of the arrangements. I think the arrangement goes from three years to start with. Over that time Victoria will have an obligation to come up with a certain quantum of water, New South Wales a certain quantum, and South Australia and the commonwealth, as I understand it, can participate in some of those arrangements if we like. They will keep throwing up—

The Hon. R.G. Kerin interjecting:

The Hon. J.D. HILL: Yes, indeed. We will come up with the water. We will be able to find some water relatively easily by making some savings by infrastructure investment, but some of the water we would want to find would be by buying water on the market. That is why the national water initiative is so important, because it gives us the opportunity to go into the water market and to buy cheap water that is not being used very productively. The arrangements that have been put in place are a very good deal for South Australia and they do not limit the environmental outcomes that our state will experience, according to the arrangements that the Murray-Darling Basin Commission agreed upon some months ago.

The Hon. R.G. KERIN: Sir, I have another supplementary question. Has the minister read the document, and was he aware of clause 41?

The Hon. J.D. HILL: I was very much aware of clause 41, because I was involved in negotiations in the lead-up to the—

An honourable member: Have you read it?

The Hon. J.D. HILL: I have read a document that has come out of the summary—

An honourable member: Have you read it—

The Hon. J.D. HILL: I am sorry, I was not there on Friday: I was home ill. I was involved in the negotiations over that form of work so that we could get a deal with Victoria—that is what you do in the background—and I have seen a summary document that came out on Saturday.

Members interjecting:

The SPEAKER: Order, the minister and the member for Newland!

ENERGY POLICY

Mr RAU (Enfield): Can the Minister for Energy advise the house of the outcome of the meeting held with other state ministers on Saturday 26 June regarding the commonwealth government's energy policy?

The Hon. P.F. CONLON (Minister for Energy): I can do that. The—

Members interjecting:

The Hon. P.F. CONLON: Here we go. The member for MacKillop has proceeded about 3½ feet from the pillar and has now decided that he knows something about something. But I have to say, we will see him back at that pillar very soon; I am very confident about that. It is a shame that we cannot even get started without the inane interjections of members opposite. They really should take a lead from the member for Flinders, who of course criticised the federal government's white paper on energy last week. She was one of the few opposition members to take the issue seriously and to understand it. I would much rather hear from her than hear the inane interjections from the other members on the opposition side.

The state energy ministers met on Saturday in Sydney on an urgent basis because of the failings in what the federal government calls an energy policy, but it is simply not that. For the past year we have been told by the federal government that we would receive a major policy announcement with respect to energy. All the states have worked in fundamentally restructuring energy institutions, and the federal government was to do its bit. Its announcement last week was recognised by the state ministers as being the abject desertion of the people of Australia on energy policy. What we saw was an energy policy rightly criticised by the member for Flinders. We saw an energy policy that failed Australia on every point. It gives no certainty into the future and will prevent investment in energy infrastructure.

With respect to emitters, the federal government continues to make Australia among the worst per capita. It does nothing about greenhouse policy and global warming, the most important environmental issue in the world. It does nothing to encourage renewable energy, the point criticised by the member for Flinders. In fact, what it has done is threaten to choke to death the renewable energy industry in Australia. It has ignored the recommendations of its own independent committee.

It asked former Liberal senator Grant Tambling to make recommendations on the issue of renewable energy. He made modest recommendations, and it has ignored them. It does nothing about energy efficiency and demand site management, and it does nothing about securing gas as a fuel to reduce emissions in the future. It does nothing but give corporate welfare for the coal sector, ignoring our agriculture sector, which is very important in South Australia. It is ignoring our place in the world and the future for our children.

The state ministers have decided to step into the vacuum created by the federal government's terrible decision. We are going to accelerate work on developing a state-based emissions trading scheme. We are going to examine the feasibility of the states setting up their own renewable energy targets since the commonwealth will not do it. We will accelerate work at looking at energy efficiency and demand site management. We will do the work that the commonwealth should be doing in terms of examining how we get more gas into the future to generate cleaner electricity and to reduce emissions from the electricity generation.

The Hon. I.F. Evans interjecting:

The Hon. P.F. CONLON: I am getting interjections from the member for Davenport because, of course, he does not believe in doing this, either; but, of course, he is the great champion of the nuclear dump, isn't he? That is his credential on the environment, on matters of national policy. Whatever John Howard wants—

The SPEAKER: Order!

The Hon. P.F. CONLON: —the member for Davenport—

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. Under standing order 98, the minister knows that, first, he is not only debating the issue but also he is not even on the subject of the question.

Members interjecting:

The SPEAKER: Order!

MURRAY RIVER LEVY

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer assure the house that he has complied with assurances I gave to the house that the River Murray levy would not replace funding to which the government was already committed? In debate in the committee stage of the Waterworks (Save the River Murray Levy) Amendment Bill in July 2003, the Treasurer said:

> However, in 2003-04 an additional payment of $4.6 million was funded.

And that took the number closer to $19.8 million. I am advised that that is being fully funded in 2003-04 without any contribution from the levy.

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY (Treasurer): He asked me the question.

Mr Brokenshire: Well, answer it.

The Hon. K.O. FOLEY: I tell you what, they are a tardy lot. The standards of opposition have diminished since the last parliament.

Mr Koutsantonis: The Mr Bean of politics.

The Hon. K.O. FOLEY: The Mr Bean of politics, the member for Mawson! I provided to the house the advice with which I was provided at the time. The leader referred to the committee in debate and he referred to information which I gave to the house and which, I understand from what he said, was on advice, and I will seek advice in respect of the question asked by the leader.

The Hon. R.G. KERIN: As a supplementary question, has the government, as promoted in press releases, used levy funds to pay part of the $19.8 million to the Murray-Darling Basin Commission as referred to, despite the Treasurer's assurance that it would not happen?

The Hon. K.O. FOLEY: I will take advice on that.

Members interjecting:

The Hon. K.O. FOLEY: Well, no, I do not agree that I have it wrong at all. I took advice when I provided information a year or so ago. I am a cautious Treasurer; I will take advice and come back to the house with a—

An honourable member: Good advice, but you did not follow it.

The Hon. K.O. FOLEY: Good advice, but I did not follow it! I cannot win with this lot. The Leader of the Opposition asked me a question, and then the member for Mawson has a go at me for trying to answer it. I am trying to give the house an honest answer; that is, I think the best course of action is to seek advice; I will do that and come back to the house.

TALKING REALITIES PROGRAM

Mrs GERAGHTY (Torrens): My question is to the Minister for Health. How has the Talking Realities peer education program helped to provide teenagers with a realistic view of the possible short and long-term consequences of pregnancy and parenthood?

The Hon. L. STEVENS (Minister for Health): I thank the member for Torrens for her question. I am pleased to answer it because recently I had the pleasure of launching an evaluation report on that particular program. The Talking Realities program has, so far, been presented to 5 600 secondary students in South Australia, and it has drawn interest from services in Victoria, Western Australia, New South Wales, Canberra and Queensland wishing to access the project resources.

All the pamphlets, web sites and other advice on the reality of young parenting can reach only so far. This program's presenters are young parents the same age as those to whom they are presenting, and they talk to young people about parenting in a language they understand. Young people respect and listen to their peers in as much as this kind of peer education program is increasingly being found to be a highly effective strategy for health promotion. The program focuses on all aspects of young parenting, the change in lifestyle, financial and educational implications, children's developmental needs, housing issues and sexual health.

The recent evaluation that I launched found that students and teachers find the program extremely valuable, and older students, in particular, are reporting a greater understanding of the potential impact of young parenthood in terms of loss of educational opportunities and social life and time and money to spend on themselves. The evaluation also found that many of the presenters had also benefited and become confident and assertive young people who were able to take control of their own lives, and many of them have gone on to further education or employment. Talking Realities has so far been presented to 5 600 students at 115 sites in metropolitan, rural and remote schools, TAFE, education training centres, FAYS client groups, other young parenting programs, human service providers and conferences.

CHILD ABUSE

Mr BRINDAL (Unley): Using the full authority of his office, will the Premier call for the resignation of all persons who aid abusers, ignore victims or cover-up complaints regardless of where they come from if evidence emerges that they acted in the same way as the Anglican Church administrators? Will the Premier apply these same standards to his ministers and public servants? The Premier has stated that schools and churches acting to protect their reputations and status in relation to allegations of child abuse are in 'dereliction of care and in dereliction of duty'. The Premier also stated that a statement by the Acting Premier that it was the government's view that Archbishop Ian George should stand down was 'absolutely right'.

The Hon. K.O. FOLEY (Deputy Premier): I stand to be corrected, but this is, to a certain extent, similar to a question I was asked last week. The government—

Mr BRINDAL: Mr Speaker, I rise on a point of order. I understand well, and you have ruled many times, on the responsibility of the collegiate and on the responsibility of cabinet. However, the whole house heard me ask a personal question that only the Premier of South Australia can answer. I ask, sir, whether you would consider that matter? I said: 'Will he use his personal office as Premier' not 'Will the Deputy Premier go yapping for him.'

The SPEAKER: There is no point of order.

The Hon. K.O. FOLEY: The government was, in our view, correct in the public comments we made in respect of the Anglican Church, but I notice that the member for Unley is circulating documentation today which is incredibly critical of his own leader. I am not sure what game the member for Unley is playing, but in a document that has been—

Members interjecting:

The SPEAKER: Order! I call the house to order and, in the process of doing so, I am conscious of the fact, in addition to the noise from my left, that the Deputy Premier is now wide of the mark of the question altogether. It simply sought an assurance of no double standards.

The Hon. K.O. FOLEY: The relevance to my answer to that question is that it is an issue of double standards—

The Hon. R.G. KERIN: Mr Speaker, I rise on a point of order. I suspect that the Deputy Premier is about to refer to some statements about which I know absolutely nothing and to something which is attributed to me in a document which has no status.

An honourable member interjecting:

The SPEAKER: The leader may choose to take a point of order or a personal explanation later if he is misrepresented. There is no point of order in that respect. The Deputy Premier was not asked a question about anything the member for Unley may have been circulating, but rather simply as to whether or not there was a double standard.

The Hon. K.O. FOLEY: The Leader of the Opposition can be comforted in the knowledge that I will be a little more careful in the use of information than perhaps he was when he referred to issues of nightmares and dreams in this house, but a document circulated—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The member for Mawson has just alleged that I have misled parliament. I would ask him to either apologise or move a substantive motion.

The SPEAKER: The member for Mawson has been asked to withdraw. I did not hear the member for Mawson. If the member for Mawson claimed that the Deputy Premier misled parliament by way of interjection, then he will withdraw.

The Hon. W.A. Matthew: But if the cap fits, wear it.

Mr Brokenshire: I did not say that.

The Hon. K.O. FOLEY: The member for Bright just said, 'If the cap fits, wear it.' They either make an allegation that I misled parliament on a substantive motion, or they withdraw.

The SPEAKER: Order! Did the member for Bright say, 'If the cap fits, wear it.'?

The Hon. W.A. Matthew: I did, indeed, Mr Speaker.

The SPEAKER: If so, I direct the member for Bright to withdraw.

The Hon. W.A. MATTHEW: I withdraw, sir, to allow proceedings to continue.

The Hon. K.O. FOLEY: The point is that we will treat every case in relation to these matters as we should, that is, on their merits. I understand that the member for Unley has circulated a document that is critical of the role played by his leader when he was the former premier. The document says:

> What kind of government minister would tolerate a low-level public servant having more power than he or she, and absolutely no accountability even to the minister.

The allegation was that the then minister, the former premier, now Leader of the Opposition, made some statements. I do not know what game he is playing—

Mr BRINDAL: Mr Speaker, I rise on a point of order. I ask you again to rule on relevance, especially since that document comes from an organisation of which you are patron, sir.

The SPEAKER: Order! The Deputy Premier ought not to attribute to the member for Unley remarks which are not his remarks.

The Hon. K.O. FOLEY: Sir, I did not and, if I did, I apologise. I was not attributing the remarks to the member for Unley. What I am saying is that, in an extraordinary development today, the member for Unley has circulated to members of parliament a document that is highly critical of his leader when he was a government minister. This is an extraordinary development and I do not know what game the member for Unley is playing.

Members interjecting:

The SPEAKER: Order! The subject matter to which the Deputy Premier refers has no relevance whatever to the inquiry from the member for Unley.

Dr McFETRIDGE (Morphett): My question is to the Premier. Premier, what reasons has the Catholic Archbishop given you for not tabling in parliament a copy of the report of the inquiry into St Ann's?

The Hon. M.D. RANN (Premier): I offered—and I made that offer to both churches—to arrange for them to have the documents tabled in the parliament. I cannot force them to do so. However, I made the offer, which is exactly what the member asked me to do.

Dr McFETRIDGE: I have a supplementary question. Given the Premier's comments in the house on 31 May 2004 that 'it is in the public interest that this report be tabled and made public and thereby subjected to full and rigorous public debate and scrutiny,' will the Premier again ask the Catholic Archbishop to provide the report to parliament so that the Premier can table it in parliament, as he did with the Anglican Church report of the board of inquiry?

The Hon. M.D. RANN: This does not quite make sense. The Anglican Church asked us to table its document; the Catholic Church released it without needing parliamentary privilege. They have both been made public.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

TOURISM, DOMESTIC

Ms CICCARELLO (Norwood): My question is to the Minister for Tourism. What has been the trend in South Australia's domestic visitor numbers over the last 12 months, and how is this government targeting interstate visitors?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Norwood for her question; I know she is aware of the impact that interstate tourism has on the economy of South Australia. The South Australian domestic tourism market has performed exceptionally well over the last 12 months, particularly with the number of interstate visitors reaching record levels for the 12 months to the end of March, which are the latest figures to be released.

Much of the success of this period can be attributed to the work and effort of the South Australian Tourism Commission. Rather than throwing large parties with big budgets and little impact, as the previous government did, the Rann government has worked with the commission to support targeted campaigns to build on our strengths and capitalise on growing markets.

The latest figures from the National Visitors Survey, released recently by the Bureau of Tourism Research, show that almost two million interstate visitors came to South Australia in the 12 months to March 2004. This is an increase of 11 per cent on the previous year and higher than the comparable national increase of 4 per cent. Visitors stayed 11.5 million nights, which is up 12 per cent on the previous year by comparison with the national average rise of only 5 per cent. Of course, this rise in this period relates to the Jacobs Creek Tour Down Under, the Adelaide Bank Festival, the Adelaide Fringe and Womadelaide, and it produced the highest number of visitor nights ever recorded in South Australia for the March quarter. Interstate nights in South Australia are at a new all-time high, reaching 11 million nights for the first time.

There has been a great deal of effort to sell South Australia interstate in recent years, much of the effort being concentrated on the Sydney and Melbourne markets, which are the most lucrative markets for us. In particular, we are keeping up the momentum with some rather cheeky campaigns in Sydney, with large advertisements covering buses, ferries and monorail, with jaunty underlined statements about South Australia. We are also still pushing the drive markets with our unwinding road campaign. We will re-run the Heart of the Arts campaign over the next year and will launch a $4.5 million marketing campaign in July which will build on the success of our previous campaigns, using the by-line 'Rediscover'. These will be produced for cinema, with original music, and will also go free to air and should capture the hearts and imagination of those travellers considering the potential options of South Australia.

FAMILY AND YOUTH SERVICES

Mr BRINDAL (Unley): My question is to the Minister for Families and Communities. Can the minister advise when I can expect an answer to a question I asked the minister on 1 June 2004 about why Family and Youth Services was dismissive in its approach to a group of young homeless lads who were grossly and continually abused and who had produced a tape recording of what had occurred during an incidence of sexual abuse? The Minister for Employment, Training and Further Education, on behalf of the Minister for Family and Communities, responded, 'I am happy to take that

question on board and to ensure that honourable members receive a considered answer.' I informed the house that the reference was page 63 of the synod report, and identified POI 6.

The SPEAKER: I do not regard the Minister for Families and Communities as being delinquent in any serious manner at this point. Numerous speakers before myself have ruled that the length of time—however inappropriate I think it myself—is, nonetheless, three months. Unless the house was to deliberately alter standing orders accordingly, no minister could be called to account for dereliction of response until that time has expired.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for his question. It is, of course, a subject of considerable importance and the preparation of the response is receiving as much care and attention as the importance of the subject matter demands. I will bring an answer back to the house as soon as I possibly can.

Mr BRINDAL: Sir, I take your ruling on board, but I have a supplementary question. I asked the questions in view of this question. Will the minister confirm that the former deacon (who was sacked as a non-clergy representative on the Adelaide synod when it was revealed that—and I quote from *The Advertiser*—'the former deacon was one of the worst abusers whose activities were outlined in the Anglican report') is, in fact, the same paedophile POI 6 who grossly and continually sexually abused a series of young homeless lads in a city refuge shelter, and who was also involved in the incident involving victims producing a tape recording of what occurred during a sexual incident, of which FAYS and its predecessors were dismissive?

The SPEAKER: That is hardly a supplementary question, but I will allow it.

The Hon. J.W. WEATHERILL: I do not have that information with me at the moment, but I add this caveat to the answer that will be given. In providing answers to these questions and, indeed, broadly in relation to these matters being agitated by those opposite, we are bearing steadily in mind the caution that has been provided to us by the Commissioner for Police—that is, not to conduct ourselves in a way that will prejudice any criminal investigation.

For those who truly have the best interests of adult survivors and, indeed, survivors of child sexual abuse at heart, and if it is their contention that it is proper to have their stories told and for justice to be done, then one would have thought that the primary and most important way in which that justice can be done is for these people to be held culpable before the criminal courts. We will not be taking any steps that prejudice those matters.

DISABILITY FUNDING

Ms THOMPSON (Reynell): My question is to the Minister for Disability. How will new funding announced recently by the minister assist Novita Children's Services, formerly known as the Crippled Children's Association, in providing support for its clients?

The Hon. J.W. WEATHERILL (Minister for Disability): I thank the honourable member for her question and note her keen interest in advocating on behalf of children with disabilities. It was with great pleasure that we were able to announce on Friday that we have been able to allocate an additional $800 000 of funding to the organisation formerly known as the Crippled Children's Association, now renamed Novita. They have renamed themselves, and this new organisation is engaged in a fresh start, and we have now been able to put them in a position to completely clear their entire backlog of equipment for young children with disabilities.

Some of this equipment is quite expensive. Children, of course, grow out of it very quickly. We are talking about equipment like wheelchairs and callipers; equipment that might allow children to learn—there is a range of talking books and large keyboards, for example. All of these are critically important, because they allow children to build their capacity and allow their development to be accelerated in a way which means that, later on in their life, they will potentially make fewer demands on the scarce resources of the state in relation to disability services. This is a growing area of demand but, like most things, early intervention repays that investment enormously. A number of these children will now be in a position to have their needs addressed much earlier than they would otherwise have been addressed. The Novita organisation is a leader in Australian terms in technology for young children with disabilities. We were very pleased to be able to make this contribution to this wonderful organisation.

SINGLE DESK MARKETING

Mr WILLIAMS (MacKillop): My question is for the Minister for Agriculture, Food and Fisheries. Will the minister assure the house that he has been convinced that the single desk marketing regime currently operating in South Australia provides no net community benefit?

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I thank the member for MacKillop for his question. I do not share the member for MacKillop's view that $3 million is a bit of spit in the bottom of a bucket.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I rise on a point of order. In starting his answer, the minister said he does not share my view: I do not have a view. I asked a question.

The SPEAKER: Order! The honourable member for MacKillop does not have a point of order, however aggrieved he may feel. The minister may not debate the matter in responding to the question.

The Hon. R.J. McEWEN: I must apologise. It is not the member for MacKillop's view: it is the shadow minister's view that $3 million is only a bit of spit in the bottom of a bucket. The bit of spit in the bottom of the bucket is the $3 million that we are going to be whacked because the NCC is of the view that there is no net benefit in maintaining a single desk under state legislation. That is the key issue here. It is not my view: it is the NCC's view. The NCC is clearly of that view and it is my view—this is the important bit—that $3 million is more than a bit of spit in the bottom of a bucket.

OPERATION FLINDERS

Ms RANKINE (Wright): My question is for the Attorney-General.

Members interjecting:

The SPEAKER: Order!

Ms RANKINE: What support has the government provided to Operation Flinders?

Honourable members: Hear, hear!

The Hon. M.J. ATKINSON (Attorney-General): I note the cries of approbation from the government benches for Operation Flinders. Operation Flinders is a South Australian based foundation that runs an early intervention program for 14 to 18 year olds. The program takes young people who are deemed to be at risk on an eight-day hike in the far northern Flinders Ranges. Four camps are organised each year, each lasting eight days. The participants—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Sorry?

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Well, the member for Bragg does not share my enthusiasm for Operation Flinders and seems to regard it as lacking in newsworthiness because, to quote her, 'It hasn't been around for years' and 'We know all this.' Well, the member for Bragg does not know all of it; I am going to tell her something she does not know. The participants have been identified through schools and by FAYS and are put in teams of eight to 10. Each team also includes a team leader and a counsellor. The teams hike between camps each day. Challenges, such as abseiling, rock climbing and building rafts, are provided at some stops, and each team organises its own camp and cooking. All team members are asked their opinion about the team's decisions.

Since Operation Flinders began 10 years ago, 2 700 at-risk youth have completed the program, and a recent study found that it improved behaviour, initiative and self-confidence in participants, as well as helping them cope better with success and failure. Of course, that report supporting Operation Flinders was a great disappointment to the Hon. K.T. Griffin of blessed memory, who was working on defunding it before he was removed from office by the now Leader of the Opposition. Indeed, he was working with his senior public servants to defund Operation Flinders before the change of government. Previously, Operation Flinders had approached agencies for grants bit by bit—a bit here and a bit there. This had been provided—

The Hon. D.C. Kotz interjecting:

The Hon. M.J. ATKINSON: The member for Newland should know the historical record of Operation Flinders. Many members of the then Liberal government supported Operation Flinders, but the Hon. K.T. Griffin was not one of them.

The Hon. DEAN BROWN: I rise on a point of order, sir. Clearly, the Attorney-General is in breach of standing order 98, namely, he is debating the issue.

The SPEAKER: Perhaps no more effectively than the deputy leader 40 seconds ago.

The Hon. M.J. ATKINSON: The funding had been provided by agencies from once-off funds, but they could not continue providing grant funding. The approved funding now guarantees continuing funding for Operation Flinders and is provided by one agency: my department on behalf of the government. The good news is that Operation Flinders is now government funded on a sound footing for four years, which is something it has not had before—which, I point out to the member for Bragg, is something new and newsworthy. It will be funded in the next financial year at the rate of $200 000 a year by the government, which will create 100 government places on the program.

I was pleased to hear the member for Mawson support Operation Flinders (unlike the previous attorney-general). He has been consistent. The member for Unley wants to be contrasted with the Hon. K. T. Griffin, and I am willing to do so for him, as does the member for Bright, and I am happy to give him absolution also. When I announced on Radio 5AA that Operation Flinders would be put on continuous funding, I was pleased to hear the member for Mawson say that he wanted four times as much money for Operation Flinders as Operation Flinders was asking for. I will be pleased to add the member for Mawson's bid to the list of opposition promises for the next state election.

The funding the Labor government is pleased to have granted to Operation Flinders, at its request, is another example of Labor being willing to spend significant amounts to try ways of making South Australia a safer place to live, other than increasing rates of imprisonment and harsher punishments.

WORLD POLICE AND FIRE GAMES

Mrs HALL (Morialta): What action will the Treasurer take to ensure that the World Police and Fire Games, to be staged in Adelaide in 2007, will not be jeopardised by the possible closure of Mount Thebarton? The ice arena at Mount Thebarton is one of 55 venues over which contracts have been signed to provide a specific site for the 2007 games events.

The Hon. K.O. FOLEY (Treasurer): The first I was aware of this was last night when watching the news service. I understand the minister for sport has been aware of it for some time, but he is away ill today. I was made aware of it because my 12-year-old son said, 'Dad, they are going to close the ice arena.' It would be fair to say that the advice from my children was pretty emphatic in that, 'Dad, you cannot let the Thebarton Ice Arena close.' I said, 'Well, son, it is a matter of priorities. You need money for health and education, and government is about difficult choices.' I tried to educate Ben about the difficulties that governments face. He looked at me and said, 'What are you talking about, Dad? Can you just save the ice arena, please? And by the way, I am hungry, will you cook tea?'

The Hon. Dean Brown interjecting:

The Hon. K.O. FOLEY: This government will not be pressured by 12-year-old sons of government ministers. I will treat him with the same disdain as I do my colleagues and members opposite. No, not true; I love my son. I am not certain exactly what government is doing, except that the Premier raised the matter with us in cabinet today. The Premier wants us to take the concerns of the young of our state seriously, even if the Treasurer is a bit more hardlined on these things, and we are looking at what we can do to assist. I do not know the enormity of the problem. This is a private sector venture and it will require a considered response from government. You can rest assured that plenty of pressure is being applied in the most important parts of government—the Premier's daughter, my son and many other members' children have a view—but, at the end of the day, it is all about priorities.

SUICIDE

Mrs PENFOLD (Flinders): Will the Minister for Health advise whether there is any attempt to categorise the reasons behind suicides and, if so, how many WorkCover clients of which her department is aware have suicided or attempted to suicide over the past year? Recently, a young WorkCover client whose family I had tried to assist with WorkCover

difficulties suicided, and I am aware of at least another young person.

The Hon. L. STEVENS (Minister for Health): I am just wondering whether that question applies to my colleague who has the responsibility for WorkCover. I am not sure of the question. Do we categorise suicides? I will have to get information on whether we do, I am not sure.

Mrs PENFOLD: I have another question for the Minister for Health. Will the minister reinstate funding for the Seasons For Growth Youth Suicide program which is recognised as a preventative strategy for suicide for both young people and adults? I am aware of at least three suicide deaths on Lower Eyre Peninsula this year and have been anecdotally advised that there are approximately two attempted suicides each week. In a recent article in *The Adelaide Review*, executive director of Seasons for Growth, mental health provider, Clare Koch said: 'We have a statewide waiting list. Port Lincoln has asked for urgent help five times.'

The Hon. L. STEVENS: I am aware of the issues in relation to Seasons for Growth. In fact, the member for Newland asked a question in relation to this program a few weeks ago. I would say that we are working on a solution in relation to that program. I am hopeful there will be an announcement soon.

Ms Chapman interjecting:

The Hon. L. STEVENS: Well, I am working with the Minister for Education and Children's Services. It is something which we both will be looking at doing because it occurs throughout schools. The honourable member will have to wait; it will not be long now. We are taking the matter seriously. The government is very well aware of the issue of suicide and it is something that the Social Inclusion Unit, in particular, will be considering. Recently, we responded to an issue in the northern part of Australia, which was brought to my attention by the member for Stuart. We have been able to put in place a mobile counselling service there. I will get back to the house in relation to Seasons for Growth as soon as we have sorted it out.

Ms CHAPMAN (Bragg): I have a supplementary question. Will the minister urgently consider the matter, given that funding runs out in two days?

The Hon. L. STEVENS: We have been looking at it urgently, and I am well aware of when funding runs out.

FREE TRADE AGREEMENT

Mr HAMILTON-SMITH (Waite): My question is to the Premier as Minister for Economic Development. Given that the Premier believes that it is in South Australia's best interests for Australia to sign, ratify and proceed forthwith with the Australia-US free trade agreement, has he met with or written to the Leader of the Opposition Mr Mark Latham to convince him to reverse his opposition to the agreement?

The Hon. M.D. RANN (Minister for Economic Development): Along with all other premiers, a long time ago I signed a declaration that the six premiers on merit felt that the US-Australia free trade agreement was in the national interest. I think that some benefits of the free trade agreement were a little overblown, and certainly when the detail came out we were disappointed on a range of fronts, but overall it is in the national interest. I have made that point in Washington and nationally. In fact, I was attacked at the national ALP conference by Doug Cameron from the metal workers union. Certainly Mark Latham was there and he is well aware of the position of the six premiers.

SHINE SA

Ms CHAPMAN (Bragg): My question is directed to the Minister for Health.

An honourable member interjecting:

The SPEAKER: Order! It is not appropriate to laugh about the Minister for Health.

Ms CHAPMAN: I agree, sir. What is the total amount to be paid to SHine SA for the provision of the SHARE program, 'Teach it like it is', currently funded by the department and trialled in South Australian secondary schools? What is the extra cost that may be needed to pay for retraining all teachers involved in delivering this revised SHARE program in schools, which is at a cost of an extra three hours retraining of all teachers?

The Hon. L. STEVENS (Minister for Health): I do not have those figures to hand at present, but I will get an answer for the honourable member.

CHILD PROTECTION

Ms CHAPMAN (Bragg): I have a question for the Minister for Education and Children's Services or whoever is taking questions on her behalf. Will the draft child protection curriculum be available to view before it is trialled in schools? If not, why not? If so, when?

The SPEAKER: I was recently apprised that the Minister for Education and Children's Services would be taking questions for the Minister for Administrative Services. I am not sure now who is taking them.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I will take this question on behalf of the minister. The question relates to the development of the protective behaviours curriculum, about which, I think, the honourable member asked a question on the last sitting day. I will take the question on notice and bring back an answer.

TAFE COURSES

Ms BEDFORD (Florey): My question is also to the Minister for Employment, Training and Further Education.

Mr Brokenshire interjecting:

The SPEAKER: Order! The member for Mawson, for the eighth time!

Ms BEDFORD: What assistance has been provided to students who missed out on gaining a place in TAFE in the January 2004 round of offers?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I am pleased to answer this question for the member for Florey because I know that she and a number of members in this place have raised concerns about people not being able to access the TAFE services. It is important to note that, because of the concern raised by a number of members in this place and by disappointed students themselves, the Learning Works program was initiated to enable people who were unsuccessful in gaining an offer in a TAFE course to try to look at why they could not get that place and to have a case work approach in making sure that a study pathway was available to them.

The TAFE SA admissions team contacted each of the 3 941 unsuccessful TAFE applicants over a four week period to determine their interest in being involved with Learning

Works. From this contact, 1 137 individuals expressed an interest in participating as Learning Works clients. Of the number interested in participating, 482 or 42 per cent were aged between 15 and 19 years. This fits in very well with the school retention program we are looking at while also making sure that, if young people are not at school, they are either learning, earning or involved in some activity to ensure that they can access further education and work.

A statewide network of TAFE learning brokers was established to provide individual case management and counselling services to all the Learning Works clients. An extra $1 million was allocated to the Learning Works project to fund learning broker services and customised learning plans. Also, we purchased learning resources for the participants.

There have been some great outcomes from this program. For example, 25 students are currently completing a certificate in children's services—and we know the importance of that area—at Elizabeth TAFE. As part of their program, students will be working on projects to make a contribution to the ongoing work of the very important community and neighbourhood houses in their areas. Some 50 students who missed out on gaining places in the diploma of nursing and in interior decoration and design are completing units of competency from those courses. This will enhance their opportunities for next year when applying for these courses.

Hundreds of students are enrolled in short courses offered through the Workers Education Association or by the TAFE institutes to increase their competitiveness for next year's TAFE South Australian admission cycle. Other students are enrolled in a series of foundational units of competency that form part of certificate courses or are taking advantage of the professional career profiling service, available through the Torrens Valley Institute of TAFE, or have involved themselves in a statutory test preparation workshop conducted by the adult community education program. After completing the statutory test this will enable students to increase competitiveness in the next TAFE SA administration cycle.

I am very proud of the Learning Works program because it makes sure that we keep people interested in educating and re-educating themselves. I make special note of the staff who have come up with this project, which is a very practical way of linking people in with learning and future job prospects.

SEX EDUCATION

Ms CHAPMAN (Bragg): My question is to the Minister for Education and Children's Services, and I appreciate that, for the reasons stated previously, this question may need to be taken on notice. Has the new sex education curriculum that is now circulating for retraining in the trial schools been approved by the requisite research unit under the Department of Education and Children's Services? If not, will the minister assure us that that will occur before it is delivered back into the schools?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I will take that question on notice on behalf of the minister.

GRIEVANCE DEBATE

WORLD POLICE AND FIRE GAMES

Mrs HALL (Morialta): Today, I will address the issue of the World Police and Fire Games—quite separate from the issue of the Treasurer's 12-year old son—and the issues involving the South Australian Ice Sports Federation, the young people of the state and the more than 300 000 visitations to Mount Thebarton. I want to talk about the issues as they relate specifically to the potential to jeopardise, in my view, the staging by Adelaide of the World Police and Fire Games in the year 2007.

As many members of this house would know, for a number of years (something like seven years), this state has invested huge amounts of time and resources in an endeavour to secure what is the third largest sporting event in the world: the World Police and Fire Games come third after the World Soccer Tournament and the Olympic Games. When we were in government we signed contracts in June 2001 committing our government to the obligations contained in the contract to stage the games. Vast amounts of documentation are contained within government about the process that was undertaken to successfully win the hosting in 2007.

This state needs to provide a venue for the staging of the ice hockey event. The reason that becomes relevant is that, after years of negotiation, the World Police and Fire Games Federation agrees on a set number of sporting events and activities that will take place during the program. It then thoroughly inspects each of the venues on offer by the bid city (and, in our case, we bid and won over the City of Brisbane). The bid document is very specific: each venue is marked in accordance with the requirements of the staging group. Mount Thebarton is listed as the venue to host 16 teams in a round robin contest. It talks about the Olympic-size hockey rink, a smaller warm-up rink, six changerooms and grandstand seating for 350 people.

Those games were won by this state under the theme 'competition, unity and friendship'. As I said previously, it is the third largest sporting event in the world. The estimates are that it provides 10 000 competitors, with between 15 000 and 20 000 total visitations on average for each of the games. Conservative estimates are that it will benefit this state's economy by in excess of $30 million. Each of the 12 750 overseas visitors is expected to spend $2 000 or more and each of the 2 500 interstate visitors is estimated to spend about $1 600. The cost of staging the games is $7.74 million, and the amount that this government has undertaken and signed contracts for is $4.75 million.

This event will focus attention on our state and generate much tourism. The degree of competition between countries and cities to win the hosting is quite extraordinary. Adelaide won it because of its venues and the standard of its bid. We talked about the many attributes that Adelaide and South Australia possess.

One of the marvellous things about the possibility (and now the prospect) of hosting these games is the enormous benefits to regional South Australia that will flow from staging them. They are to take place between 15 and 24 March 2007. I hope the government understands the seriousness of one of these venues being under threat because, if Mount Thebarton closes, the government will be obliged to provide another venue for this event. You cannot just decide a few days beforehand to change the program. The

ice hockey event has been agreed to, and I urge the government to take this issue very seriously.

VACCINATIONS, CHICKENPOX AND POLIO

Ms RANKINE (Wright): Each year in Australia there are something like 240 000 cases of chickenpox, resulting in 1 500 hospitalisations and seven deaths. The highest rate of hospitalisations occurs in children under four years of age. In a recent editorial in the *Medical Journal of Australia*, it is pointed out that, with universal vaccination of infants, 450 hospitalisations costing $21 000 each could be prevented. A chickenpox vaccine was launched in Australia in May 2000.

In September 2003, the National Health and Medical Research Council recommended the vaccination of children at 18 months with a catch-up dose for 10 to 13-year-olds unless they have had chickenpox. Anyone over 14 years requires two catch-up doses. The National Health and Medical Research Council also recommended the provision of inactivated poliomyelitis vaccine (IPV) and pneumococcal vaccine. On 11 June we won the pneumococcal vaccine battle. I would like to thank members for their bipartisan support of that campaign. However, as with most announcements by the federal government, the sting is in what they do not say, not in what they do say.

I was stunned to realise that the federal Minister for Health (Hon. Tony Abbott), when announcing the free pneumococcal vaccine, did not also announce free chickenpox and inactivated polio vaccines for all Australian children. Instead, he announced another review of the most recent evidence for these two vaccines. This is in spite of the fact that the government's own expert body, the National Health and Medical Research Council, made its recommendation only eight months ago.

I am not only stunned but also incredibly angry at this whole cynical pre-election stunt by the minister. Why is the federal government funding only one-third of the National Health and Medical Research Council recommendations? Why is it calling for a review when the evidence is compelling? A study in the United States on the cost-effectiveness of varicella (chickenpox vaccine) demonstrates that 'from a societal perspective, which includes work-loss costs as well as medical costs, the program would save more than US$5 for every dollar invested in the program.' So, the question remains: why is the federal government prevaricating on this matter?

I draw the attention of the federal government to the use of the word 'invested' in that quote. Money is not spent on the vaccine; it is invested. I suggest that Mr Abbott and his colleagues could adopt this attitude to this issue. There is no evidence for a new inquiry. This is simply a stalling technique. The vaccines have been recommended by their own experts; they will save costs; they will save hospitalisations; and they will save young children's lives.

I think the federal government thinks that it can just get away with it because people are not aware. The federal government thinks that, just because the campaign over its non-action about the National Health and Medical Research Council's recommendations centred on pneumococcal, that was all people would be concerned about; and that, because IPV and varicella were not the focus, all they needed to do to buy some peace and quiet before the election was to fund the pneumococcal vaccine.

Well, I am here today to tell the federal government that, on behalf of the young children of Australia and their parents, I will not accept this appalling decision. Today, I call on the federal government to fund the varicella and polio vaccines as recommended by the National Health and Medical Research Council. Today I announce that I am launching a campaign to get the federal government to change its mind. We made them change their mind once, and we can make them change their mind again.

Currently the vaccine schedule provides for the government to fund one dose of oral polio vaccine, a live vaccine that contains modified living virus. Recent advancements mean that an injectable inactivated vaccine is available. This inactivated vaccine is considered safer, because there is no risk of causing paralytic polio in either the child or someone in close contact with the child. Put simply, this means the provision of the best and safest immunisation program. Chickenpox is a highly contagious infection caused by the varicella zoster virus, a member of the herpes virus family. As we know, the infection causes headache, fever and an itchy rash of small blisters that can last for two to three weeks. Sadly, in newborn infants it can be fatal. It occurs mainly in childhood, affecting something like 90 per cent of the population, usually at between two and eight years of age, and is spread by small droplets from coughs and sneezes.

BARLEY MARKETING

Mr VENNING (Schubert): Even after all the questions and speeches in this house, the Minister for Agriculture, Food and Fisheries has not and will not come out and support the people he as minister represents, that is, the farmers of South Australia. The farmers, in particular our grain growers, overwhelmingly support the retention of the current method of selling their export barley, that is, via the ABB single desk. There is great pressure from traders and marketing consultants to dismantle it, but approximately 85 per cent of farmers say no way. I am one of those farmers or I was—

The Hon. R.J. McEwen interjecting:

Mr VENNING: —and I declare my interest.

The Hon. R.J. McEwen: Be careful what you say.

Mr VENNING: The minister is now threatening me, sir; you heard that, and I am pleased that he is in the house to hear this. I declare my interest as a farmer and as a member of the Australian Barley Board and the Australian Wheat Board. The problem is that the minister has taken advice from people who want to change this, particularly Mr Rob Reese, whom we all know as a strong advocate for deregulating the entire grain industry. Why would he not be? He is a grains marketing consultant.

Mr RAU: I rise on a point of order. Just to assist the honourable member, he might want to make some declaration before he proceeds any further.

Mr VENNING: I have declared that I am a member of the Australian Barley Board and of the Australian Wheat Board. I have done so every time I have mentioned this subject in the house. There is no intention to hide that. There are many questions that I have not had adequate answers to. Why will the minister not commission a report to the NCC showing there is a net public benefit to South Australia if we retain orderly marketing of our export barley? What is your opinion, minister? Do you believe that there is a net public benefit? What is your opinion, sir? If you are not in support—

The SPEAKER: Order! The honourable member for Schubert well knows that he should address his remarks in

the third person through the chair and not use the second person pronoun.

Mr VENNING: Thank you, sir. I am interested to know what the minister's opinion is on this matter, because we have not heard it. If you are not in support, will we have to prove that via another report? We have to prove it one way or the other. He is sitting on a barbed wire fence on this matter. Will he commission a report if it is wholly or partly funded by the industry, of course using a commissioner of his choice? My suggestion is that Mr Barry Windle, his retiring director, would make an excellent choice. Why is it that the previous report, the Round report, has not done the job and come up with that recommendation? Do the recommendations of that report match the evidence? Do they, minister? Have you read it? None of us here has read it, because it is not public. I know that you have offered a copy, but it is still not public. Why not? Why does the minister not release the Round report to everyone so we can all see why—

The SPEAKER: Order! The honourable member for Schubert knows from the point that the chair made to him less than two minutes ago that he is not to use the second person pronoun.

Mr VENNING: Thank you, sir. I would like the minister to release the Round report so it comes under full public scrutiny. We need to have a good look at it so we can see exactly what it says. Why is it not public? It is a vital document in this debate considering who was on the Round committee. Therefore, was the result contrived? If the government has compassion for the industry, which the minister represents in this parliament, he should release the Round report now. Some say barley growers have been shafted by the report. Let us have a look. Minister, apparently you appealed the decision, the details of which—

The SPEAKER: Order! Can I help the member for Schubert by letting him know that, if he uses the second person pronoun again, that will terminate his contribution.

Mr VENNING: —I am not privy to, nor do I know who was engaged to assist with that appeal. I ask the government to supply details of the evidence that was given with respect to that appeal. The Rann Labor government supports the retention of the single desk—

The SPEAKER: Order! The member for Schubert needs to go back to the people who write his speeches and let them know that it is not orderly to refer to any honourable member—the Premier or anyone else—by their personal name. The Premier is the Premier.

Mr VENNING: Sir, I think 'the Rann Labor government' is a common term used in this place.

The SPEAKER: Common it may be, but it is not a term that can be used in this place.

Time expired.

SUMMARY OFFENCES (OFFENSIVE WEAPONS) AMENDMENT ACT

Mr SNELLING (Playford): I rise to welcome the coming into effect of the Summary Offences (Offensive Weapons) Amendment Act, which will come into effect on, I think, Thursday 1 July. As of that date it will be an offence to carry a knife or other offensive weapon in or in the vicinity of licensed premises at night without lawful excuse. I point out to the house that there is a distinction between an offensive weapon, which is a fairly broad range of implements and includes, obviously, all knives but also any other implement which might be able to be used in an offensive manner (for example, a club, a steering wheel lock or something of that nature), and a prohibited weapon, which is prescribed in the regulations and is entirely prohibited.

'Lawful excuse' under the new law will mean that employees of licensed premises—chefs, waiters and so on—will be able to carry the tools of their trade, and tradesmen entering licensed premises at night would be able to carry any tools that they require; they would have a lawful excuse. Also, significantly, people involved in various groups who have swords for ceremonial activities will be able to carry those items onto licensed premises; they, too, will be considered as having a lawful excuse. However, the onus is on the person carrying the item to provide proof of that lawful excuse; that is not the responsibility of the police.

I do not really need to point out to the house that alcohol and knives and other weapons are a dangerous combination. Patrons have a right to be safe on licensed premises and, while I welcome these new laws coming into effect, it seems to me that the problem remains one of enforcement.

I am rather attracted to the law in New South Wales that lowers the bar for police to have a reasonable suspicion to search a person for an offensive weapon if that person is in an area with a high incidence of violent crime. In certain parts of New South Wales—I presume in areas such as Kings Cross and some of the suburbs where there is a high incidence of violent crime—a lower threshold is required in order for the New South Wales police to have the power to search a person for an offensive weapon.

I am rather attracted to that proposition. I think that it is better to stop people and search them for these weapons and prevent the crime happening rather than waiting for the crime to have occurred before anything can be done. However, short of that, I think the government is doing everything it can. I welcome this new legislation coming into effect, and I welcome the government giving it some publicity.

PAEDOPHILE TASK FORCE

Mr BRINDAL (Unley): In grieving today I want to follow on, briefly, from a couple of remarks the Premier has made, as is his wont lately. One is in connection with my handing all the files I have to the Paedophile Task Force. Sir, you gave me, I acknowledge, both inside and outside the chamber, some valuable advice, which I have taken. I have followed up the matter with each and every person. I have carefully taken your advice, sir, and, in consequence, I have prepared a selection of files, which I have here today and which, in some cases with the concurrence of people, either include the person's name or the name has been deleted.

I am quite prepared to hand them to Detective Grant Stevens from the Paedophile Task Force. Unfortunately, sir, that is not proving so easy because I think that you require my presence in this house and, having contacted him, it is not such an easy matter to get Detective Stevens to attend upon this house, and I not being able to leave this house find it difficult to attend upon him. I want it quite carefully recorded that the files are here. Every member can see them. When Detective Stevens wants to come down and get them, if the house is sitting, he is well and truly entitled to do so. I will try to assist him by making them available when my duties in this place (which, I believe, have primacy) allow me to do so.

The Premier also referred to a document of which you, sir, are probably aware, entitled, Status of Fatherhood Inquiry—False Allegations Made Against Fathers by the Richard

Hillman Foundation Incorporated. I noticed and know that you, Mr Speaker, are the patron (not just in word but an active patron) of that organisation. They say therein that when a man called Steven contacted his local MP, Rob Kerin (who was a state government minister), about the FAYS worker, the MP told him 'that he got lots of complaints about social workers and when confronted they just lie'. He also said (and I quote again):

> As far as individuals and families go, social workers have more power than he does.

Those quotes are from that report. They are attributed to my leader. I do not know whether he made them, but I would say that, if he did make those reports, there are others in this chamber, including me, who could well have made them at that time and subsequently. I do not see how, if the leader did make those comments, they in any way denigrate him. That has been my experience of some FAYS workers, too. They are a law unto themselves. They seem to do what they like when they like, and they are less cognisant of members of parliament when they telephone than most other people whom one can telephone throughout the public sector.

Finally, I want to speak briefly about the article appearing in Saturday's *Advertiser* relating to the Anglican deacon. They had an absolutely huge row about whether or not this deacon—he is no longer a deacon because the Archbishop insisted that he hand in his holy orders in 2002—should still be a member of synod. Quite incredibly, this is the man, reported on page 63 (FOI6) of the church report, as persistently and wilfully abusing homeless young men when they sought the shelter and protection of the church on a nightly basis.

The man was subsequently bashed with a brick, and some of the young fellows, being a bit enterprising, I think, put a tape recorder in the vicinity of his alleged abuse and took the matter to FAYS, which was dismissive. The man subsequently went to the United Kingdom to take up another post for a couple of years and then came back to our state. It is alleged that, on coming back to the state, he worked in Holy Orders in the dioceses of Willochra and Adelaide, and that subsequent to that his offending may well have continued, because it is conjectured that he is subject to possible criminal proceedings in the near future. That was the reason he surrendered his Holy Orders in 2002. One is left to ask why we should be having all the speculation in *The Advertiser* about a man's unsuitability for synod when, quite clearly, he is alleged to have been a persistent and wilful sexual abuser who seems to have had nothing done to him by the police.

NATIONAL COMPETITION POLICY

Mr RAU (Enfield): I seem destined, at the minute, to follow the member for Schubert in both time and theme in this place. I thank him again for raising the important issue of the Barley Board and the importance that this parliament should place on what is happening to South Australian farmers and their important export contribution. In fact, this is not what I was going to speak about—I will come to that shortly—but I could not allow the opportunity to pass. First, I think the member for Schubert and I actually want to see the same thing, as I am sure do most members of parliament; that is, to see the single desk held in place so that most barley producers who find the single desk to be a very worthwhile thing will have their wish. I think that in that respect we start marching to the beat of the same drum. It is just after that that our feet get slightly out of time. However, the important thing to remember is that we are trying to get to the same place.

The matter raised by the member for Schubert today was the question of whether or not the minister should be seeking to have an another report following the Round report which examines the question of net public benefit for the purposes of the national competition principles. I emphasise for the parliament and the member for Schubert again the futility of seeking another report, because national competition principles clause 5.1 provides:

> The guiding principle is that legislation should not restrict competition unless it can be demonstrated that:
> (a) The benefits of the restriction to the community as a whole outweigh the costs; and
> (b) The objectives of the legislation can only be achieved by restricting competition.

The whole point is that net public benefit, when used in the context of a debate about national competition policy, is a term of art; it is not ordinary English usage of the words 'net public benefit' if, indeed, they can have one. The cards are stacked entirely against any finding by any person doing any report into an NCP matter.

The fact is that, given the guidelines, once the finger has been put on an industry by NCP, it is almost impossible for them to wriggle out. Unless we can have a report prepared by me, because I will prepare the right report—I can tell the member for Schubert that. I will say, 'It is a great thing; don't touch it!' But, unless I am to prepare the report—and I do not think that the Treasurer wants me doing it—that will be the end of it. With respect, I think the member for Schubert is barking up the wrong tree here and needs to get back to the main game, which is to ask the Treasurer to wipe this thing off.

The other point I want to make which, coincidentally, is on a similar point and which is the real point I want to make is that on Saturday I read *The Financial Review* weekend paper to see that Mr Samuel, who was the former driver of the national competition policy bus, who has now moved into the ACCC area and who is now following on from Mr Fels, has decided that he wants to go out cartel busting. That was the big news; he is going to start busting cartels. I welcome this initiative by Mr Samuel, and I look forward to him doing it. The fact is that the article also referred to the fact that he, as a former merchant banker, in a sense, was now the poacher being put into the position of the gamekeeper. It is not just his position as a former merchant banker that makes him a poacher in the context of national competition policy.

His position as a former driver of national competition policy has seen a whole range of industries subjected to so-called competition reform guidelines and has had the industries filleted. What we are achieving, effectively, is to create monopolies or oligopolies, because national competition policy goes around destroying small competitors. Now, for example, in petrol, Coles and Woollies are basically going to take over the market. What has happened to all the small people? They are gone, thanks to NCP. There are so many areas you could point to, and we have a real problem here where national competition policy is perversely—and I emphasise the word perversely—creating a situation which is completely and diametrically opposed to the Trade Practices Act in its attempts to combat monopolies. So, we have got the anti-monopoly provisions of the Trade Practices Act being frustrated and abused by national competition policy. Imagine what would happen to pharmacies if they were able to have a crack at them as well. Coles and Woollies

would be the only pharmacies in Australia. So, I was very pleased to see that Mr Samuel got on board, and I put him in the category of being a poacher, in his terminology, not only because of his former career in finance but also because of his former career with national competition policy.

Time expired.

PITJANTJATJARA LAND RIGHTS (EXECUTIVE BOARD) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 2416.)

Dr McFETRIDGE (Morphett): I indicate that I am the lead speaker in the house and have unlimited time, but I will not take that time, because this is an urgent bill. I also indicate that we will be supporting this bill. There are some questions that I will ask the minister to clarify for us, but this is an urgent bill and we will be doing everything we can to expedite its process through the parliament. I understand that the election of the APY executive in November 2002 was carried out under the supervision of the electoral commissioner and that the minister was present at the time; he was there, standing under a tree, watching what was going on. That election went very smoothly, but unfortunately it has all gone downhill since then.

During 2003, the executive sought to extend its term of office to three years. We have had various opinions on why they decided to do this. We have heard a lot of anecdotal evidence but nevertheless the executive sought to extend their term of office for three years. The method of doing this was to change their constitution. The executive sought some advice on this, and they thought that they were going down the right track, but unfortunately they were wrong. The government knew they were wrong, and crown law advised the government that they were wrong, but unfortunately the situation needs to be corrected by an amendment to the Pitjantjatjara Land Rights bill.

It is rather sad that it has had to come to this house in such a hurry. The opponents of this bill say that this bill takes away the rights of the traditional owners, that it takes away the rights of the people and that it is not the Anangu way. On the contrary, this bill is reinforcing the rights of the people on the lands and those of the traditional owners. This bill gives everybody on the APY lands the right to exercise a vote under the supervision of the Electoral Commissioner on an annual basis in an open and honest way, free from any sources of intimidation that we hear about (whether or not they are true, but there are allegations) and free from any sources of irregularities which we hear about, anecdotal or otherwise.

This election will be conducted in a manner that will be of satisfaction to everybody—and, I would have thought, to the complete satisfaction to Mr Lewis. In fact, I asked Mr Lewis, when he was in Adelaide not long ago with some of the other members of the APY executive: if he was so sure that he had that support, why does he not go ahead and confirm his position by having an election, get it out of the way and get on with the real business up there, namely, delivering services? I wish Mr Lewis every success in the forthcoming election. Another thing I will speak about directly is that people are saying that this election should be the last thing we are thinking about and that we should be thinking about the delivery of services. However, it is not just about the delivery of services or just about an election. They are not exclusive events—they can be carried on at the same time. Certainly, we are seeing the issue of delivery of services up there in the lands being picked up by both the media and this place.

It has taken many years for governments of both persuasions to get their act together and start delivering to the people of the APY lands the services they deserve and should be receiving not only now or five years ago but 30 years ago. It was rather disappointing to see that the government used a bit of a media stunt to announce that it would be appointing an administrator because it saw serious problems up in the lands. We know that there are serious problems, and we are trying to be as bipartisan as possible in this place in supporting the government in delivering those services in the lands. But, no, we had the Premier and the Deputy Premier giving the executive up there on the lands a bit of a hiding, saying it was totally dysfunctional and that it was not being as honest as it should have been.

Mr Litster was the first person appointed, and he was a terrific choice. He is a very experienced policeman, and it is very disappointing that he could not continue in that role. Having said that, though, the Hon. Bob Collins is in there now, and he is a very experienced negotiator with Aboriginal indigenous communities. He has done a lot of work for the Northern Territory and federal governments. It is a shame that Mr Collins is now in hospital after a motor vehicle accident up in Kakadu. I understand that he is still in the intensive care ward in the Royal Adelaide Hospital, where I know he is receiving absolutely top notch, world-class care. I wish him well. I understand that his wife is in Adelaide with him. I wish him a speedy recovery because, to quote the Premier, 'What Bob wants, Bob gets' up in the lands. We know that Bob wants to improve the services up there, but he has also suggested that we need an election up there as soon as possible, and I will say a bit more about that in a moment. This is not just a political issue; it is a real issue up there on the lands, and we need to sort it out for the good of everyone on the APY lands.

Mr Collins has had consultations with groups on the lands, and he has produced a report, which has been tabled in this place. We have all had a look at the report and the cogent recommendations contained in it. Mr Collins believes that the government should be adopting these recommendations as soon as possible, and he also believes that an election should be held as soon as possible. There has been some unjustified criticism of Mr Collins for stating in his report that the AP Council is 'profoundly dysfunctional'. In fact, he says:

> I am dismayed at what appears to be the profoundly dysfunctional situation in the most important Anangu organisation in the lands.

Mr Collins then went on to set out a further 10 recommendations, one of which was that legislation should be introduced to provide for an election for the APY land council—I mean the executive council—as soon as possible. I said the APY land council because that was the term used by the executive at the time. It was not about clouding the issue, but it reflected the whole situation. A lot of questions have to be asked: such as, was it the executive or was it the land council? The act provides that the function of the AP executive is to administer issues to do with the lands and it is not about the delivery of services, which I have already

said. This bill is not about having an election or having services delivered: both of them have to go on at the same time. The recommendations that Mr Collins has made should be taken up by this parliament as soon as possible, and that is what we will be doing today—we will, I assume, be getting this bill through today so that we can get on with delivering the services up there as well as having the election.

I had the opportunity to go to the lands with some other members of this and the other place with the Standing Committee on Aboriginal Lands. We spent nearly a week up there and visited Umuwa, Ernabella, Pukatja, Mimili, Fregon, Indulkana and Watinuma. We met with community leaders, we spoke with individuals, we looked at the arts centres and the schools, we sat down with the communities and we talked about the issues there. We talked about the delivery of health and about the huge housing problems they have got—they have tremendous problems up there with housing. We talked about transport, and driving over the roads there—they had nearly 2 inches of rain—was quite an experience. Certainly, the Hon. John Gazzola from the other place is now experienced with a four-wheel drive, having driven over some very rough roads up there. We talked about education, we saw the fantastic schools and we saw the wonderful facilities in the schools that link the kids there to the rest of the world through the internet (and, I must say, they did enjoy looking at my web site).

There are so many other issues up there that we need to look at, but it is not exclusive of having an election. You can have the election, and we can keep delivering services. We did witness a couple of sad incidents where people who were obviously affected by substance abuse caused a lot of problems, but we saw lots of good things. The communities up there are wonderful—they just need a bit of help. They should be getting the services that we promised years ago that we have not delivered. This bill is about tidying up any ambiguities, any concerns that we have about the executive administering the lands.

Before I move on, I should say that the arts centres in Mimili, Fregon, Ernabella and other places are absolutely amazing. I encourage any member in this place to take time out to visit these communities, to see for themselves what is going on, see the good things that are happening up there, see the good people up there, see the community leaders, talk to them and see where they want to go. This is something we should all be doing. It is a real eye-opening experience.

This bill is about electing the APY executive in a timely manner on an annual basis. We do not see any real problems with this bill. I am informed by the minister that instead of having the bill proclaimed by assent it will be by proclamation, and I assume that that will be done as soon as possible because we have been promised—and as even Mr Collins said—that the elections should be by the end of July. That is only a matter of weeks away. How easy that is going to be, and whether we are going to be able to do that because of the logistics, is something the Electoral Commissioner is already working on, I understand. It will be a fairly unique way of voting, using marbles placed in receptacles, with each bearing the name and, if permissible under local custom, the photograph of the candidate. The method of voting will be first past the post—a way that some of us may like to be elected, although perhaps there are others who would not. Just so long as you get your marbles right, and you do not lose your marbles!

The big question I have—and I hope the minister will answer this in an open and completely frank way, as usual—is in relation to the transition clauses. Mr John Buckskin, the chief executive officer up there, has just been sacked by the APY executive. I am very concerned that if the executive is not a validly elected executive it may not be acting in a valid way by sacking Mr Buckskin. In the transition clauses, clause 4 provides:

> Despite a provision of the principal Act or a relevant provision of the constitution of Anangu Pitjantjatjara the term of office of a member of the Executive Board elected on 7 November 2002 will be taken to be the period from 7 November 2002 until the election referred to in [the] clause.

So, that is legitimising this interim period where there is doubt. Schedule 1, clause (5) states:

> An act or decision of the executive board that would have been valid if done or made after the commencement of clause 4 will be taken to be valid for all purposes.

The question is: will the minister confirm that this clause will not, for example, validate a wrongful dismissal by the board during the interim period? In other words, if Mr Buckskin has a valid claim for reinstatement, will that claim be examined and will he have recourse to any other action? The question is there and it needs to be answered. Provided we get a full and frank answer, I do not see any reason to hold this bill up any more.

It is a bill which will allow the executive to move on in a legitimate way and, if Mr Lewis and the team on the executive board get up again, I wish them well. They will have my full support. If somebody else gets up, they will have my full support. I put on record that the one thing I want to achieve not only as a member of this place but also as a member of the Aboriginal Lands Parliamentary Standing Committee is to see some progress on the lands, because the people up there—the Anangu Pitjantjatjara, Yankunyatjara, Ngaanyatjara—deserve every bit of help we can possibly give them.

Mr HANNA (Mitchell): The Greens oppose this bill primarily on the ground that it has been brought into this place disrespectfully in relation to the Anangu. That is to say that the people in the north of the state who are directly affected by this bill have been given no say whatsoever in how it is to be framed or implemented. The South Australian government is meant to be working under the following principle which is set out in the document entitled 'Doing It Right' signed by the Premier of South Australia in May 2003 and which states:

> The South Australian government's partnership relationship with the Aboriginal community is based on reciprocity, respect and openness.

How I wish that were true! My starting point for looking at this legislation is self-determination of the Anangu on the APY lands.

There are a couple of relevant background factors; I am not blind to them. One is that there are local politics involved naturally in the community up there; there are different views and different interest groups, as there would be in any community around Australia. I have no favourites among those groups, and I am more than happy for democratic processes to apply in order for there to be an APY council, which is representative of the community generally. The other relevant background is the appalling state of health care, policing resources and housing on the lands. Both Liberal and Labor governments, until earlier this year, sadly neglected the

crying need for better health care, policing and housing on the APY lands. It was only when *The Advertiser* kicked off with a sensational front-page story about petrol sniffing that the whole series of issues which I have mentioned came to the fore.

The Labor government had to be seen to be doing something and, thus, former assistant commissioner Jim Litster was appointed as a protector (to use the 19th century language) or a coordinator (in the official language today) and, subsequently, Bob Collins was appointed to that role. The task force, which was appointed along with Bob Collins, may do some good because obviously interagency cooperation is essential and, indeed, intergovernmental cooperation is essential to solve the range of health and crime options to which I have referred.

But all that is a separate issue to the democratic processes on the APY lands. There are arguments for and against an urgent election this year for the APY council on the APY lands. I do not need to canvass the arguments for and against.

The important issue in relation to this bill is that it has been rushed through the parliament without notice to the community up there and without its involvement. It smacks of deviousness and paternalism. There are mixed motives in respect of the major parties in the way that they have dealt with this bill. No doubt, on the part of some there are motives of genuinely trying to save the Aboriginal people from themselves, and that paternalistic sentiment is not necessarily unkind. Perhaps there are other motives of wanting a different political leadership on the APY lands that is more conducive to mining operations on the lands—and I am sure that forms a background to the consideration of some members.

However, I return to the essential point, that is, that this bill has not been worked out in cooperation with the people up there. Whether the government of the day talks to the APY council, or whether it talks to a range of groups—whether it be women's groups, or the land and culture group, or the APY council, among others—the fact is that the people there need to be involved in solving whatever problem there might in respect of elections and the formation of the council on the APY lands. Because that has not occurred, and because of the shameful lack of consultation, I must oppose the bill. I acknowledge that there is a debate about the need for an election and, accordingly, I think it warrants further consideration.

So, I will attempt to remove this bill from the consideration of this house and refer it to the Aboriginal Lands Parliamentary Standing Committee. The committee of seven members of parliament, including the Minister for Aboriginal Affairs and Reconciliation, was formed this year. Recently, it spent most of a week on the APY lands. Although in some respects that is a very short time, it was enough for our eyes to be opened to the circumstances of the people in respect of their problems and their noble efforts to do the best for their community.

The Aboriginal Lands Parliamentary Standing Committee is best placed to work out the detail of how the Aboriginal people in that part of the state would prefer to be governed by their own people. It would be appropriate for the Aboriginal Lands Parliamentary Standing Committee to discuss these issues in detail with the people there and to come back to this place with suitable recommendations. I therefore move:

That standing orders be so far suspended as to allow me to move without notice an amendment to the question that this bill be now read a second time.

The ACTING SPEAKER (Mr Snelling): I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

Mr HANNA: I move:

That all words after the word 'be' be left out and the words 'withdrawn and referred to the Aboriginal Lands Parliamentary Standing Committee for its report and recommendations' be inserted in lieu thereof.

The ACTING SPEAKER (Mr Snelling): Does the member for Mitchell wish to speak to the motion?

Mr HANNA: No, sir.

The ACTING SPEAKER: I advise the house that the motion of the member for Mitchell will be put after the minister closes the second reading debate.

Mr MEIER: I rise on a point of order, sir. I believe that, if either the Speaker or the Deputy Speaker is in the chamber, that person must occupy the chair. I do see the Deputy Speaker in the house.

The ACTING SPEAKER: I am more than happy to hand the chair over to the Deputy Speaker!

Ms BREUER (Giles): In the past, at times, I have disagreed with decisions taken by my party or the caucus, but I have abided by the decisions taken, as I believe my party is a true democratic party and I have been a loyal member of that party. But this legislation almost broke my heart, and in my heart initially I felt I could not support it. I have spent many hours considering the legislation; and I have spent weeks in discussion with Anangu here in Adelaide, on the telephone and also in the lands.

My conclusions did not come lightly and I researched them very extensively. They were not prejudged, nor were they naive or formed without facing the realities of Aboriginal politics. I have let my caucus know of my concerns about this legislation; and I let them know I was having great difficulty supporting it.

As the member for Giles and the local member for the Anangu Pitjantjatjara people, I put aside my loyalty to the party and place my loyalty to my constituents above all else. I believe that today I have to speak for the Anangu people of the lands. This is the most important piece of legislation that has affected them in many years. First, I must give my support to the appointment of a coordinator for the lands. I was pleased when this was announced, and I still support the decision.

For six years I have been visiting the lands, and each time I visit I become more depressed by the apparent inability of anyone to resolve some of the pressing issues of violence, substance sniffing, poverty and loss of respect for the elders by many young people.

The AP lands are a very beautiful place, and the people have had to come to terms with white people's ways in a short period. Only 65 years ago Ernabella was the first place at which most Anangu ever had contact with Europeans. I believe the coordinator can assist in dealing with state government service providers; in liaising with commonwealth government service providers; and in providing support and

assistance to Anangu in programs and governance to the communities.

I believe this legislation was initially ill-conceived and much of it has been unnecessary. Time prevents my dealing with all the issues I foresee, but I must deal, first, with the issue of a need for an election. I question the need for an election. While I have considered the opinions of the crown lawyers and the lawyers from my caucus, and see that there must be an election in the future, I am angry that this has been turned into an unnecessary battle between the state parliament and the Anangu Pitjantjatjara council. I keep asking why. This push for an election has obliterated all the goodwill generated by the Minister for Aboriginal Affairs and Reconciliation who, I believe, has done an excellent job in the past two years to work through the issue at Anangu pace, taking into consideration their feelings on this matter and listening to, and actually talking to, the people.

The Anangu believe that an agreement had been reached to extend to three years the term of the current executive. The present executive was elected in November 2002. In May 2003 the executive agreed in principle to extend the term of office to three years, subject to ratification at a general meeting. In July 2003 a special general meeting of AP resolved to amend its constitution to provide for three-year terms. Independent legal advice supported this. The AP lawyers made application to consumers affairs, as they are required to do under the act, and they approved the changes to the constitution. The AP executive believed they were legal.

Following criticism by the opposition and a small group of dissidents in the lands, the AP executive held an annual general meeting in December 2003 and sought to have endorsement for the current executive put to that meeting. I am told that a huge majority of people at that meeting indicated their support for this, but, because of a highly vocal small group who upset other participants to the point where violence seemed possible, the meeting was disbanded without the motion being put.

This was unfortunate, but it is very understandable to those who have been present at such meetings. I am now told that an election must be held. I have wondered why, but I think I know. I believe the opposition, in particular the shadow minister, has played a major role in setting this up. He arranged a small vocal but very powerful group to feed wrong information to the Premier's office in the guise of discontent among the Anangu. Where is this discontent? I have not seen it in all my travels, telephone calls or consultations with all manner of contacts associated with the lands. In every instance the discontent goes back to four family names.

I am told that, after the election of the executive, members of the executive sent a letter to the government asking that Gary Lewis be removed. I have seen this letter. But on talking to one executive member, I realise that she has no knowledge of this letter and denies ever signing it. It must have been falsely originated. I am told of a petition signed by hundreds of residents asking for a new election and that Gary Lewis must go. Shortly after, however, a number of letters were produced signed by petitioners who said they had no idea what they were signing. Nowhere have I heard of dissatisfaction with Mr Gary Lewis.

Indeed, the law and culture elders tell me that Mr Lewis is doing a very good job, as are the rest of the executive. I have seen letters from all the communities asking that stability be maintained and that time be given for the executive and elections to be held further down the track. I am pleased that we now look to respect this wish.

Every instance where Gary Lewis and the executive are criticised are all traced back to the same names. When the standing committee visited the lands three weeks ago, we saw no evidence of any dissatisfaction or urgency for an election, apart again from those names or organisations associated with them. However, I did see evidence that the opposition were promoting these dissidents, and I believe this is being fed back to the Premier and Bob Collins. I see no evidence of a dysfunctional executive.

Bob Collins said he was lobbied heavily on this issue, but again I believe it was through the Liberals. His only lobbying would have been by those people whom I have mentioned. I am concerned about Mr Collins, who has come under criticism by the Anangu for his conduct on the lands. However, I wish him well. He believed he was doing right when he was on the lands.

I am greatly concerned that the Premier and Deputy Premier have been misled by the opposition through their agents about the chair, Mr Gary Lewis, Mr Murray George, also chair of the law and culture group and the executive in general.

Members interjecting:

The DEPUTY SPEAKER: The members for Kavel, Stuart and Bragg will be visiting the lands shortly if they keep interjecting!

Ms BREUER: If it is the truth it hurts sometimes. Have an election if you wish, but give them some time to prepare. We must not think in terms of white elections. It is a completely different situation on the lands, and you cannot be sure that the best person will win. I question that if they have been doing a good job they will win their election. That is not the case in the lands. Merit often has nothing to do with such an election. Family and organisations have the loyalty and power to turn around elections.

We were told that the NPY Women's Council want an election. I thought this implied that they were dissatisfied with the current executive, but on meeting with them recently I found that it was about procedure and was not personal at all. They had no objections to the current executive. Let them have their time and give them back their rights. I am so sad that we have turned this issue into a power struggle, and I am so angry that it has become a political game and that the Liberal Party has created so much strife in all this. It should not have happened. We should have welcomed a coordinator and a genuine attempt to get some desperately needed action in the lands. Children and people are dying. So much good in the lands is matched by so much sadness.

Bob Collins is at present seriously ill. I have been concerned about some of the reports that have come from there. This legislation has many flaws, and I have been concerned about consultation with Anangu. I believe much is based on the roadshow of last year, but I do believe the legislation takes away much of the role and position of the traditional owners. In the original act, the AP AGM was the electing body for the executive, and the role of the traditional elders was reinforced as the primary authority and owners of the land. The executive was accountable to them. I believe this has now been removed and it has become like local government elections. This removes the role of the traditional owners, and I am not sure that the implications of this have been thought through. I believe the wards were based on roadshow findings and, again, I ask whether it has been

thought through, because a person cannot speak for someone from other lands. I am worried that the impact on kinship, community and traditional owner links has not been considered carefully enough. The local government model has some good points, but I have concerns that the Anangu can only stand for one position—they cannot stand as an executive member and also for the chair. I am also concerned by the fact that, if they are employed by the community in any capacity, they cannot be elected, because this rules out many talented people.

We must not blame the current executive and the chair for so many of the woes in this land and call them dysfunctional and ineffective. I have seen letters from Mr Murray George, who is a very well-respected man and a traditional owner and who is the chair of the law and culture group in the lands. I have seen letters from all the communities, from the Uniting Church and from Uni SA, and I have spoken to and seen letters from many former workers in the lands (white and Anangu), all indicating their support for the executive. These people are my constituents and I believe we have done them a great harm unintentionally, but I do not believe it is irreparable. I believe we have an obligation to them to try to make this work, and I hope that I can honour that obligation.

The Hon. G.M. GUNN (Stuart): I want to participate in this debate, and I have been interested in the comments of the member for Giles. I wonder where the member has been, and I wonder whether she has actually gone to the Pitjantjatjara lands and whether she has had her eyes open. Where has she been? It is clear that she has been hoodwinked by the left-wing agitators who have manipulated, controlled and rorted the situation for years. And who has missed out? The long-suffering Aboriginal people. This legislation is a small step towards rectifying some of the disgraceful decisions which have been taken on the lands. What is this parliament here for? It is to legislate to ensure that the citizens of this state get good government, are fairly treated and that the resources made available to them are invested so the next generation of South Australians have a chance.

The Hon. J.W. Weatherill: What interest did you show in the last eight years?

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: Mr Deputy Speaker, can I say to the minister—

The DEPUTY SPEAKER: Order, the member for Stuart has the call. I am resisting raising my voice for reasons I have outlined previously in this place: I do not want to shout through the microphone and hurt the ears of Hansard staff. I urge members to listen to the member for Stuart with the courtesy he deserves.

The Hon. G.M. GUNN: Thank you, Mr Deputy Speaker, because I am easily put off and I have to work myself up to get on my feet. But I say to this house: 'I told you so.' I was one of the few in this chamber who had grave reservations about the Pitjantjatjara Land Rights Act when it came in. I saw the manipulation that took place and those who were pulling the strings—Phillip Toynes, and that lot—and who were using it as a stepping stone to go forward. There was Phillip and his brother, and Warren Snowden and all that lot: they used the Pitjantjatjara people as political cannon fodder. They line them up at the elections and make sure they all do the right thing. I know what occurred at places like Pipalyatjara. The vote was 56 to nothing, all in the same handwriting. We know what took place out there. Then they expect us to sit idly by.

Ms Breuer interjecting:

The Hon. G.M. GUNN: The member for Giles can get herself upset, but the facts are these: why is it that Yami Lester and his group got a 30 year lease when other people could not get a lease? It is not very hard to work out. I say to the house: we need fair elections up there. I think the appointment of Bob Collins is one of the best appointments that this government has made. He does not have to be there, but I sincerely hope that his unfortunate accident does not prevent him from completing a very important role: to ensure that the Pitjantjatjara people are able to take advantage of the resources and the opportunities that are there; that they are able to ensure that their children are properly educated; that they are able to have a decent lifestyle and the health services that they need; and that they are not the victims of petrol sniffing, drug abuse and alcoholism, which have completely upset a generation of young people. If anyone who has gone to the Pitjantjatjara lands and seen young people walking around with jam tins or coke cans around their neck held by a piece of wire and they think that that is self-determination, I am appalled. When you ask the people who are supposed to be working for them why they have not done something about it, they throw their hands in the air and look blankly at you. These people have been the victims of left-wing agitators.

Ms Bedford interjecting:

The Hon. G.M. GUNN: That's right, left-wing agitators like your mate, Peter Duncan—that crook. Your mate, Peter Duncan, just like him. He has rorted people in my constituency and elsewhere. I make no apology. That is the sort of people who went up there.

Ms Bedford interjecting:

The Hon. G.M. GUNN: Your day of judgment is coming; don't worry about that.

The Hon. J.W. WEATHERILL: On a point of order, Mr Deputy Speaker, I ask the honourable member to return to the point.

The DEPUTY SPEAKER: I uphold the point of order.

Ms Bedford interjecting:

The DEPUTY SPEAKER: Order! The member for Florey should listen. The member for Stuart will return to the subject.

The Hon. G.M. GUNN: I am delighted to refer to this particular document. I am looking forward to the elections being held, but I am also interested in the different points of view emanating from the government. The Deputy Premier went up there with the Commissioner of Police. Obviously, what the Deputy Premier saw was an eye-opener for him. From my experience, the people who gave the best service, set the best example and did a really good job were the police officers who helped to establish the police aide scheme. They did a wonderful job. We need to have those people put back on the lands.

One thing that must be achieved is that we have to create some genuine opportunities for those people, because it is no good believing that the young people want to stay there when there is nothing constructive for them to do. They want to see the bright lights of Alice Springs or other places. When there is nothing constructive for them to do, where do they end up when it gets hot? They end up causing problems in my constituency of Port Augusta or at Port Pirie, Port Lincoln or Ceduna. There are great opportunities out there. When the Pitjantjatjara land rights legislation was passed in this parliament, it was estimated that they could conservatively

graze 50 000 head of cattle out there on some of the best cattle country in South Australia. What has happened? There has been chaos. Recently, people like T & R Pastoral have done a marvellous job in agisting cattle on what was Kenmore Park. They have gone up there, invested and started to set the place up again.

The person who owns the pastoral lease at Lambina wanted to agist some cattle. The locals at Fregon were really pleased and wanted him there. The traditional owners wanted him there. What happened? This slippery little lawyer bloke and his anthropologist mate wanted $30 000 before he could agist the cattle there. Who is looking after whom? There had been cattle at Fregon. Fregon was set up as a government cattle operation for the Pitjantjatjara people on the outskirts of the hills. It was set up by Jim Vickery and there were cattle there. But, no, this anthropologist bloke wanted to stick his oar in and cause more trouble. He wanted to make sure that nothing happened. He wanted to keep the people down. That is the situation, and it is an absolute scandal. There was huge opportunity for ecotourism up there but, because of this system—

The Hon. J.W. Weatherill interjecting:

The Hon. G.M. GUNN: It is all right for the minister to get grumpy with me; he will have his chance in a moment. There is one thing for sure. While you have a closed shop you can keep good people out, and currently it is a closed shop and people have to get a permit to go in there. I believe it is an outrage that the taxpayers of this country, who are providing the money to maintain the roads, are not allowed to drive on them. That is an outrage and it ought to be fixed. I think we ought to move some amendments to this because, while it is a closed shop, we will not see any progress made. The people who have control and have manipulated the situation are untouchable.

If the people of South Australia had an opportunity to see it first hand, they would not only be appalled but they would also be outraged beyond belief at what has happened up there. No shortage of money has been spent up there. There are kerbed streets in places, yet the kids are living in squalor. One of the most interesting things that I been involved with since I have been a member of parliament occurred a couple of years ago when I took some of my colleagues to Indulkana. I remember the look of surprise on the face of the member for Morphett. I do not think he believed he was in South Australia when he saw Indulkana. Appalling! Not only do we have every description of dog known to man, and perhaps not known—a most unhealthy arrangement—there is also rubbish, junk, smashed motor cars, burnt cars, burnt-out houses and kids running around petrol sniffing. Is that good? Is that what this parliament is proud of? We should be ashamed of ourselves.

Instead of trooping the parliament down to Mount Gambier to feed the ego of one or two people, we ought to take the whole parliament to the Pitjantjatjara lands and show them what we have created. Take the parliament to the people and show them. There is no need to have a tub-thumping exercise with the media. Members should just go and look and then consider whether we have achieved greatness since passing this legislation. We all have a responsibility to make sure that we take positive action to rectify the wrongs of the past. It is absolutely essential that we create some cattle enterprises, that we organise some ecotourism for these people and that we get some outside capital into this part of South Australia. It is a beautiful part of the world and there are great opportunities.

If we could get a small percentage of the thousands of people who drive up past the road into Indulkana to pay for an organised ecotourism experience and have the Aboriginal people explain to them their culture and their stories, we would create great opportunities. A road goes through Indulkana to Ayers Rock, Yulara. But no, the people who have control are fighting for it. Members of the left wing of the Labor Party have been very critical of the Deputy Premier and the Premier. They are the agents for the people who have wrought havoc upon these long suffering citizens of South Australia, and it should not be. The member for Giles said that a few people have complained about it. Why did she not have the courage to name them? I ask her to indicate whether she does or does not support the stance taken by the Deputy Premier in relation to his concern to see that the things that were pointed out to him are fixed in the long term.

We have to make a start. We have to take positive steps if we are to address the appalling situation that has been allowed to be created. If you go to Pipalyatjara you see where there was an attempt at mining and what took place there. We know that there were 44-gallon drums of chrysoprase arriving in Alice Springs. You can see the new buildings and garages which were erected which have now been wrecked and vandalised. Motor cars are strewn from Indulkana to Pipalyatjara: when they grade the roads they grade around them. Let us have no more of this nonsense that we have done the right thing. We have failed as a parliament, because this deplorable set of circumstances has been created.

The Liberal Party will support the Deputy Premier and his colleagues in trying to fix this. I just wonder what sort of circus and exercise we would have had in this parliament if a Liberal government had tried to rectify it. They would have trotted out all their trendy mates from the university and along with the church leaders they would have had them jumping up and down and doing somersaults in the street about how bad and how wicked what we were doing was. We will support the government in taking, unfortunately, a very minor step.

Other urgent action is required and we have to make sure that we get dedicated, hardworking people in there. When people who have the best interests of the Aboriginal people at heart go into these establishments we need to support them. When they will not go along with the rorting and the misappropriation of money they should not be able to be shunted out and got rid of. What has happened to Mr Buckskin and a lot of other good people who went up there? They have gone on their way; they would not give in to the pressures. Look what has happened in some of the shops in the Pitjantjatjara lands. I will never forget going into one or two of them and discovering what were appalling activities. I am pleased to say that the fraud squad has been in there, and it will probably need to go into some of these places in the future.

I look forward to the next piece of legislation that needs to come to this parliament to put into effect the long-term benefits for those people, that is, to open up the roads and have a controlled system where people can drive on the road reserves; where they can be organised to operate sensible ecotourism activities and have effective cattle enterprises. The best way in which to do it is in conjunction with existing operators who have the experience and know-how and who can provide the cattle and teach the people the skills they

need. They also need to know how to fix up windmills. When you fly in windmill experts from Alice Springs it is a tremendous cost to fix up a very simple problem. The people who have been flown out there are doing well. But, at the end of the day, the local community should be trained to fix all those things.

I do not know whether anyone has been to Umuwa. One person I give full marks for great success is Peter Kittle Toyota. He has achieved greatness where others have failed. He has sold more Toyotas per head of population there than anyone else. If members were to go to a meeting at Umuwa what would they see? They would see a sea of white Toyota's with Peter Kittle stencilled on the windscreen. Well done. Do not blame him. He has been even more successful than most because he has brought them into the business to make sure that he gets the lot. Of course, the others who have benefited are those scoundrels, the grog runners, who have come in across the Northern Territory border; and certain people at Mintabie have been less than honourable in their conduct.

I am pleased to see this legislation. I hope that Mr Collins makes a speedy recovery so that he can get on with the job of helping to rectify the mismanagement and the wrongs of the past. I am disappointed that certain members of the Labor Party are so critical of this decision. It appears to me that they are more interested in allowing their political mates to continue to pull the strings than to put the long-term interests of these people first. This parliament should take it out of their hands and put the interests of these people first.

The Hon. R.B. SUCH (Fisher): I visited the Pitjantjatjara lands many years ago. I was appalled at what I saw then and, from what I am hearing, it does not sound as though a lot has changed. Many people say that it is Third World. What I saw was not even up to Third World standard. I have some sympathy with much of what the member for Stuart said. Unless you have an economic base, you cannot sustain worthwhile activities. We know that some of the communities produce wonderful crafts, and batik is one. More could be done in the way of raising cattle, as the member for Stuart pointed out (ecotourism).

The lands have some beautiful scenery and other attributes which many people would like to explore, and I think that should be very much part of the encouragement. I am not sure that the closing off of the lands has really been in the interests of the people. In some ways one could argue that it is paternalistic. It was probably done with the best intention to protect the people but, in many ways, it has backfired, because when you have something hidden from the wider view you do get abuses. We know that certain abuses have occurred there, and they still go on in relation to petrol sniffing. When something lacks that total scrutiny by the wider community you will get ongoing abuses.

I question whether there is merit in keeping the lands closed off. The access should be under particular conditions. We know that you can have limited access now with special permission but, I think, that whole issue needs to be addressed. When I was there I talked to the elders and they said, 'Let us teach the culture and let the educators, the Europeans, provide the maths and the English.' That was one of their strong messages to me when I visited the lands many years ago. I believe that it has reached a point where intervention is required and that there needs to be a revisiting of what is happening there.

I am not in a position to know the merits of the internal disputes (whether they are based on clan groups, kinship groups, or whatever), but I believe that what has been happening over a long period of time in the lands has not really delivered for those people. It sounds like an easy catchcry but, ultimately, the people must have control over their own destiny. When one realises that some of the people in parts of those lands have had extensive European contact only since about the 1930s one could argue, 'Well, many worthwhile changes have occurred', but many unfortunate things have happened, not the least being the addiction to the sniffing of petrol by teenagers and the amount of domestic violence.

I am prepared to support this measure, but I do not believe that it is the total answer. As I have just said, I do not believe that what has been happening has been satisfactory. I am not advocating change for the sake of change, but I think this proposal should be implemented somewhat speedily. I am interested to know from the minister how long it would be before he would see this in place. The situation up there, which undoubtedly shocked the Deputy Premier and which would shock anyone if they had the opportunity to visit, needs to be addressed. This is not the total answer. I think the appointment of Bob Collins was a good move. I trust he has a speedy recovery, and that he can get on with assisting these people obtain the fulfilment to which they are entitled in terms of their own personal and group goals, and that they can move beyond not only some of the distressing impacts but downright negative impacts to which they are subjected, whether it be petrol sniffing or other measures. I support this bill and I look forward to the questioning during the committee stage.

Mr BRINDAL (Unley): I am happy or, rather, unhappy to contribute to this debate because of my experiences in the lands going back some 20 years. I was the state coordinator of the priority country education program, which members opposite will know was one of the Whitlam initiatives for education that came slightly after Whitlam. Whitlam initiated an investigation into why the commonwealth government should or should not become involved in education. The investigation found that there were two cohorts of children who did not receive fair educational outcomes, if those measures of fairness are a proportion of the population in university faculties desired by the public in proportion to that population's existence in the community. This means, for example, if 3 per cent of the population entering university is Aboriginal, 3 per cent should be in medicine, because medicine is about the number one preferred faculty (or was then the number one preferred faculty) around the nation; 3 per cent are Aboriginal; and 3 per cent should be in law.

They looked at the middle classes and those in our society who are a little wealthier and those who are little poorer. You would have been aware of the work, Mr Speaker, because you were an academic at the time. They found that those who missed out on educational opportunities were overwhelmingly from lower socioeconomic classes and from rural and isolated backgrounds. They found that our universities were over-represented by people from middle-class, urban backgrounds. They set up a program in South Australia called Priority Projects. Many members would have known it for a number of years. That is where Whitlam left it, but when the Liberals came to government, they looked at the second prong, which was remote and isolated children, and they set up the disadvantaged country areas program which, in South Australia, was known as the Priority Country Education program. As I said, I headed it, and went to the Anangu

Pitjantjatjara lands on a number of occasions over a number of years.

The member for Stuart is quite right in his comments that this has been a standing sore for all that time. I remember my first visit to the lands, and I have spoken about this to this house a number of times because exactly the same situation was occurring: the levels of health care and the levels of many things were well and truly below the standard that would generally be expected in our community. Without entering into federal territory, I have long wondered about the huge amounts of money funnelled into the big open end of the pipe compared with the smaller amounts of money, or the money that was wrongly applied, that came out the other end. If any Australian wants an example of that, they need to look at the indigenous people who live in remote and isolated Australia, especially in the desert lands—not just the Anangu Pitjantjatjara but those who live in the Northern Territory with related groupings.

Given the amounts of money that we have funnelled into welfare specifically for those people, how is it possible that you can go up there and see the incidence of eye disease, petrol sniffing, and just about every social abuse known to man? And then there are the United Nations resolutions that say, in connection with the treatment of our indigenous people, that we are, in fact, a third world country. Well, it is true. You just have to go there and look at what they do not get, at their life expectation, at the incidence of Aboriginal people going to jail—any measure you want to take—because we have failed those people.

So, that we should do something is not in question. What is in question is what we should do. I would commend the member for Mitchell because this is, if you like, the reverse of the issue we are dealing with on child abuse. The issue on child abuse at present is, 'Well, we know there is a problem but we have injected more funds, so why should we look at the old problem? Give us time, give us the resources, and everything will be all right.'This is just the reverse. We know there is a problem, and we know it has existed for 30 years, but let us fix it up yesterday. Let us just rush in and do it as quickly and as soon as we can. I am not against what the member for Stuart says, or some of my colleagues, and I am not against any of the sentiments that I think I will hear in this house from any member, but I am in many ways inclined to the view—

The Hon. J.W. Weatherill: That covers everything.

Mr BRINDAL: It does cover everything and I am very good at that, and the minister will learn that—cover all your bases and then a few extra as well. It is a lesson the minister would do well to learn if he plans to prosper and last long in this place, and I am sure that he will do both. I am absolutely confident that he will do both. It was written in the play—I think that the member for Mitchell would know the title—*A Man for All Seasons* by Henry Bolt. The minister would do well to be a man for all seasons and to bend with the wind.

Mr Hanna: He has prospered pretty well so far.

Mr BRINDAL: Yes. Extraordinarily. He has prospered well. The only person ever to have walked into the parliament and assumed the purple before he had even got his feet wet. But I digress. I am still inclined to the views of the member for Mitchell. We have had these problems for 30 years. They are awful problems, and all Aboriginal people acknowledge this.

Last week I was visited in my electorate office by four very senior people from the Aboriginal community in the lands, and from somebody assisting them from the University of South Australia. They were concerned, as I could understand it, at the process and the timetable that is inherent in the original proposition. I notice that the government has gone some way towards now suggesting that this be taken into account a bit later—I think it is in November. I would suspect that this is probably the result of some very sensible heads in the caucus making representations to the government, that unseemly haste is not warranted in this case, and that perhaps the process should be delayed a bit further. I was not privy to the caucus so I do not know who said what, but I would suspect that some of the people opposite, not being members of the know-all executive government, might know a lot more about this issue than those who pontificate on a daily basis and put themselves up as instant experts.

Mrs Geraghty interjecting:

Mr BRINDAL: If the whip would like, I will quote some of her members for whom I have much higher regard in Aboriginal matters than I have for anyone sitting on the front bench, but I will not embarrass them unless she forces me to do so. I hope she will not. Having said that, the elders who approached me were concerned that this was taking place precipitately and that in many ways it was wrongly motivated. I do not pretend to be an indigenous person, or to have a complete understanding of their culture and the values that they hold, but I do know from the reading that I have done, and the people I have known over the years, that there is no group of people, I suspect, on the face of the earth, who attach such spiritual significance to their land, to the tenure that they hold on their land, and the spirituality which comes from their land. As I understand those people—and I admit that it is an incomplete understanding—their notion of being springs from the land, from their dreaming, and from their traditional custodianship of the land.

I think that is borne out by the fact that implicit in much of the legislation we pass is a white man's understanding of a different culture—an Anglo understanding of an entirely different culture, an entirely different people and an entirely different way of looking at the world. We can rush in here, in our efforts, and make frightful mistakes. This parliament, particularly the party which now sits in government, came in here in the late 1960s or early 1970s and said that everything the good Lutheran missionaries, the Catholics and others did in those places was wrong—they were paternalistic; they were this; they were that and they were something else. They said, 'Let's get them all out, and let's have self-determination.' We have seen 30 years of abandoning completely one system and going completely to a different system in which, maybe, some of these leaders have said, 'The community was not properly prepared.' It was almost like throwing away all support structures and putting nothing in their place.

I do not know that that missionary approach was right; I think there was much wrong with it. I do not know that the approach we have had for the last 30 years was entirely wrong or misguided, although I think many mistakes were made. However, I think we are now at risk of making exactly the same mistake that we made 30 years ago. I see here no indigenous person; I see no-one who claims indigenous heritage—not one person in a chamber of 47.

However, we are sitting here very vigorously debating what is in the best interests of a people of whom we are not even a part. We have a right—in fact, we have a duty—to do the best we can for them, but we also have something called a duty of care, which means making the best decision we can on behalf of those people.

I agree with the member for Mitchell that delaying this legislation may well be better for a considered outcome. They put to me that this bill really seeks to impose on Aboriginal people almost a system of local government rule, which is anathema to the sorts of traditions that they hold. Some of my colleagues have said to me, 'You probably saw this group, or you probably saw that group, and reduced it immediately to our understanding of competing interests.' It is a bit like talking about the left and the right in the Labor Party or, perish the thought, the broad church that is the Liberal Party at present, not that there are any divisions on either side of the aisle. However, it is the same sort of thing.

These people came and talked to me, and I am incapable of knowing which group they were from. I am incapable of knowing whether they were right or wrong because, quite frankly, I do not have the experience or the expertise to say what is best for a people whose culture, traditions and whole way of life is probably a minimum of 19 000 years older than my own traditions. I am not fitted to sit in judgment on them, and, presently, I do not think the rest of us are, either.

So, I support the member for Mitchell, because in making a case to say, 'Look, this legislation can and should be delayed,' he is doing the appropriate and sensible thing. If this parliament has learnt anything in the last 30 years it should be this: let us not tell other people what is good for them. Let us go and sit down and talk with those people, and let them determine what is good for them.

In conclusion, they are an ancient people, and they are possessed of an entirely different sense of right or wrong, as well as an entirely different level of dignity. We think they do not care about some things, because they do not stand up in this place and rant and rave and be very emotional about it. They are very quiet and often, when they are affronted, the last thing they will do is confront the issue. They are not a confrontational people. I know they have had great difficulty with the various administrators who have been put in place.

I know that at least some of them find that the current administrator is not acceptable to them. It is interesting (and I do not wish anybody ill fortune) that one of the comments I had was that the most unfortunate accident that happened to the recent administrator was a result of almost a spiritual thing. Now, no-one is talking about pointing the bone or anything like that, but the elders actually said to me that this guy was meddling in land that was not his land, he was interfering in matters which were not his matters, and now he has had a mischance befall him. They said that this is the way it should be, this is the nature of our universe—that people fix things that they are empowered to fix, they leave well enough alone when it is not their business, and anyone who interferes with the rightful harmony and order of the way it should be invariably suffers the consequences. The suggestion coming from them is that the most unfortunate accident—well, the Buddhists would call it karma, and the Christians might call it divine intervention, but they have their own way of looking at it. Nevertheless, it is their way. They find what is happening to them unacceptable. The member for Mitchell counsels sensible delay and I sit with the member for Mitchell.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank honourable members for their contributions in relation to this debate. I would like to make one particular comment, though: the member for Stuart's contributions would have more credibility if, during the life of the previous government, we saw more evidence of the concern of those opposite for the welfare of those on the APY lands. I also make particular reference to the contribution made by the member for Giles. The member for Giles holds a particularly passionate concern for the welfare of those constituents within her electorate. She has been a regular and important advocate within our caucus for the interests of those who live in these lands.

All the steps taken in this legislation to bring some degree of legal regularity to the administrative arrangements that have been set up on the lands and, indeed, to facilitate what the government has identified as one of the key issues of concern on the lands—that is, the provision of services—have been motivated by one issue and one issue alone: that is, how to improve the welfare of the people who live on the APY lands. I think it has been freely acknowledged by many on this side of the house that we may have gone about that in a way which may have been perceived by those on the lands as indicating some disrespect to them. If that has happened, it has been unintentional. At all times we have simply been seeking to provide those in authority on the lands with the legal and proper basis from which they can discharge their responsibilities to their communities.

There are a number of minor amendments we seek to promote within the committee stage, and I might briefly address them. The only one of any substance is to bring the act into operation on a date fixed by proclamation as opposed to the present arrangement, which is that the act will come into operation on the date of assent. This amendment effectively restores the more usual practice concerning the mechanism for bringing an amending bill into operation and will allow more flexibility in relation to the operation of whole or separate elements of the bill. It will also allow some flexibility over the timing of the election process. It is not, of course, our intention to unduly delay the election process, although we do seek that flexibility to ensure that this election process is a successful one.

The other amendment is of small moment. It concerns the amendments correcting a reference to community administrators in the bill. In another place a question was raised about the accuracy of that title. The minister in the other place undertook to clarify the position. The government has been advised that the title is not one that is currently used to describe the position which is instead known as MSO (municipal services officer). Furthermore, not all electorates have such a position. To avoid any possible confusion, including whether an MSO could assist the returning officer in an election in which the MSO is a candidate, this amendment removes the permissive reference. However, the amendment does not affect the returning officer's ability to be assisted in publicising an election conducted under section 9 of the principal act. However, such assistance may be sought by the returning officer. The returning officer may then turn his mind to whether assistance from an MSO is appropriate in the circumstances.

Debate adjourned.

MATTER OF PRIVILEGE

Dr McFETRIDGE (Morphett): I rise on a matter of privilege. I do it with all sincerity and genuine intent. I raised in my second reading speech the dismissal of Mr John Buckskin as the manager of the APY Lands Council. I have been given a copy of a letter from the chairman of the current

executive—whether that is a legitimate executive, I will leave up to others to decide—to Mr Buckskin. This is a letter of dismissal to Mr Buckskin, and one of the issues raised in that letter is that Mr Buckskin spoke to the Aboriginal Lands Parliamentary Standing Committee on 8 June 2004. I would have thought that, if Mr Buckskin sought to speak to that committee, he should be allowed to and to say what was on his mind. I would have thought that the communication between Mr Buckskin and a standing committee of this parliament would be something that should not be used as an instrument to—

Mr HANNA: Mr Deputy Speaker, I rise on a point of order. I suggest that this is a matter of employment law and a matter for Mr Buckskin and his lawyers, rather than a matter of privilege for this parliament.

Members interjecting:

The DEPUTY SPEAKER: Order! We will take the matter of privilege first and we will take into account what the member for Mitchell has said.

Dr McFETRIDGE: As I said, I do this with the utmost open and honest intent. I was very concerned that a witness to the Aboriginal Lands Parliamentary Standing Committee could be so intimidated or other potential witnesses could be intimidated by saying, 'If you speak to that committee, it could be used as an instrument to somehow act against you.' In this particular case, it has been mentioned in this letter that, because Mr Buckskin spoke to the committee, it is one of the issues raised in this letter of his dismissal. Accordingly, the letter states:

> The Executive has no option but to terminate your contract of employment effective 16 June 2004. Your permit to enter the land is thereby revoked. Should you enter the land you may be fined and action may be taken to prevent such entry by you.

I am very concerned that this is setting a precedent.

The DEPUTY SPEAKER: The matter raised by the member for Morphett under standing orders is to be referred to the Speaker for his consideration, along with any relevant document that he is using in relation to the point that he has made.

Dr McFETRIDGE: I am more than happy to provide the Speaker with a copy of the document.

Mr HANNA: I take it that you are not upholding my point of order?

The DEPUTY SPEAKER: Because it is an allegation involving privilege, it is my duty to refer it to the Speaker for his consideration and not to rule on the matter here and now.

PITJANTJATJARA LAND RIGHTS (EXECUTIVE BOARD) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

The DEPUTY SPEAKER: The member for Mitchell has a motion before the house that all words after the word 'be' be left out and replaced with 'referred to the Aboriginal Lands Parliamentary Standing Committee for its report and recommendations'. The effect is obviously that this bill would be referred to the standing committee rather than progress in the normal way.

Dr McFETRIDGE: Mr Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Motion negatived.

The house divided on the second reading:

AYES (40)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Brokenshire, R. L.
Brown, D. C.	Buckby, M. R.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Conlon, P. F.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hill, J. D.
Kerin, R. G.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Lomax-Smith, J. D.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Penfold, E. M.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Scalzi, G.
Stevens, L.	Such, R. B.
Thompson, M. G.	Weatherill, J. W. (teller)
White, P. L.	Williams, M. R.

NOES (2)

Brindal, M. K.	Hanna, K. (teller)

Majority of 38 for the ayes.

Second reading thus carried.

The SPEAKER: For the record, may I say, without reflecting upon that vote or upon any opinion of any member, the overwhelming, indeed the unanimous, though separately put point of view, to me, from all people whom I know in the AP lands is that the annual elections, to which this legislation in some measure is relevant, are not in their opinion in the best interests of governance of their lands by the people from the lands. In the same way, it has been put to me by those same people that if members of this parliament faced election every year the parliament would not function properly.

All members know that Aboriginal people talk to each other a great deal more about decisions at a social level than we do in our western European cultural morays and our decision-making processes; and that it is destabilising to them to have our approach to decision making imposed on them in that it takes them longer to bed down a decision and then have it acted upon than us.

As members would know, if we were required to face an election every year we would consider it ridiculous to the point where parliament would be unworkable. There would be at least a two-month run-up to the election and a month afterwards where the pre-occupation of everyone would be focused upon the election process, not upon settling, through discussion, decisions about the best way forward. I repeat that unanimously the people who have spoken to me and written to me have said that annual elections are far too frequent and that at least three years ought to be the period as the interval between which elections are held before disturbance to the policies is contemplated again by the people themselves in the election process. I thank the house.

In committee.

Clause 1 passed.

New clause 1A.

The Hon. J.W. WEATHERILL: I move:

Page 2, after line 4—
Insert:
1A—Commencement

This Act will come into operation on a day to be fixed by proclamation.

Dr McFETRIDGE: The opposition has some serious concerns about this change. In the original bill it was to be by assent. I have spoken to the minister, and I understand that he is genuine in his desire to see this bill through with as much haste as is reasonably possible. However, I was very concerned when, in his summing up speech, he emphasised flexibility—flexibility to delay and flexibility to treat the bill in separate or whole elements. Bob Collins' first report dated 23 April states:

Legislation should be introduced to provide for an election of the APY Land Council as soon as practicable. This recommendation is made solely in order to end the serious disputation that is distracting and weakening the capacity of the APY Land Council to do its job.

That is something the Aboriginal Lands Standing Committee heard when visiting the lands. We understand that there is a serious question up there. As I said in my second reading speech, I asked Mr Lewis why, if he was so convinced that he had the support of the people in the lands, he did he not go to the election, win it and all good fortune to him. We will give him 110 per cent support. The diversions and distractions must not be allowed to come in.

I understand that the Electoral Commissioner has inquired about leasing aircraft and using the municipal service officers as electoral officers up there. The system of voting is simple compared with some of the systems we may be more used to. I have travelled over the lands and the roads are often wet and boggy, so the logistics can be horrendous. It is my understanding that procedures are in place for this election to go ahead as soon as the Electoral Commissioner is given the nod. I do not know, but I hope there is not another agenda here. I understand that the government has concerns about doing this within eight weeks. The opposition does not share those concerns and we will oppose the amendment.

Ms CHAPMAN: I wish to make a few brief comments in relation to this amendment moved by the Minister for Family and Community Services. I place on the record the significance of what is happening here in relation to the legislation's commencing from a day to be fixed by proclamation. In this case, in relation to dealing with the APY executive, Mr Bob Collins was appointed by the government to look into the matter and to provide for coordinating services and make recommendations in his report. He did submit a report to the government some months ago, and in it he said, 'I am dismayed at what appears to be a profoundly dysfunctional situation in the most important Anangu organisation in the lands'. I do not know whether or not that is accurate.

This afternoon we have heard a number of contributions in debate on the bill as to whether there is overwhelming and strong support for Mr Gary Lewis and the current executive on the lands. On the other hand, we have had contributions that raise serious questions in relation to that. We do know that the deputy leader made quite clear that it was important for there to be an investigation, and the Premier made comment to the effect that what Bob Collins wants Bob gets. The independent person who has been appointed by the government to look into this matter, coupled with on 15 March the Deputy Premier making an announcement about the government taking decisive action, went to the Leader of the Opposition and the federal minister (Senator Amanda Vanstone) seeking our support for the early passage of legislation to legitimise the executive.

It was made quite clear that, whilst it could take some months to get through the parliament, it was seeking our commitment to support the process and the rapid dealing with this matter to facilitate Mr Collins' further recommendation. Of the list of 10 recommendations he made, further to my colleague who identified Mr Collins' recommendation, he went on to say, 'Legislation is introduced to provide for an election in the APY land council as soon as possible but in any a case no later than July of this year.' He made it absolutely clear as to his timing on that—it should be as soon as practicable and, in any case, no later than July this year.

On Friday 18 June 2004, during estimates committees, I asked Mr Steve Tully, the Electoral Commissioner, a number of questions in relation to an election process which was foreshadowed in this legislation and whether he was ready to go accordingly, and I think he made it quite clear in his response that he is ready. In anticipation of this legislation he has undertaken preparatory work and is ready to go within the next two months.

So, it is quite clear from the person in charge of the body which it is proposed will have the conduct and supervision of this election under this bill that he and his team are ready to go. The opposition has been asked and has indicated its support and is ready to go. Now, at the eleventh hour during the course of this debate, we have an indication by the government (in particular, the Minister for Families and Communities) that it is seeking to have the commencement of the operation of this legislation on a day to be fixed by proclamation. I think that is contrary to the recommendation and the commitment of the Deputy Premier, and it flies in the face of the request by the government for the opposition to join it to ensure that the election is under way.

If, indeed, Mr Lewis and his executive have the strong support of the lands (and I have heard that assertion today), no doubt he will be re-elected, as will the members of his executive. If not, there will be some changes. But, in any event, it will clear the decks, and Mr Collins' first recommendation in his report outlined the need for that to occur. He emphasised the importance of ensuring the following, and I quote:

. . . to end the serious disruption that is distracting and weakening the capacity of the APY land council to do its job. It does not infer that any member of the APY land council has taken any inappropriate action.

For the purposes of the record, I should also say that the APY land council referred to by Mr Collins in fact is referring to the executive board. The words 'APY land council' appear to be a title which the incumbents of that executive board have attributed to themselves. I do not make any disparaging comment about that other than to say he was talking about the executive board.

So, everyone is ready to go and now the government, without any legitimate reason, is saying it is quite common practice for legislation to be fixed by proclamation. Well, not in this case. In this case, we have been asked to be ready to go quickly and the Electoral Commissioner is ready to go. There is a clear need in the lands for this issue to get off the desk so that they are able to get on with the important task of restoring businesses and order in the lands. I ask the minister to identify during this committee stage the reason why it is necessary to have more than eight weeks, which is the time frame for this legislation to be enacted, for the purposes of undertaking the provisions of this bill; and, if there are aspects of it that need further time, to identify specifically in the proposed bill what they are.

The Hon. J.W. WEATHERILL: I note the questions that have been raised about this matter. As indicated in explaining the purpose of the amendment, it is merely to give the government the flexibility in setting the timetable for the election. We are not seeking any additional period beyond the eight weeks set down for the election process. The question really is which eight weeks that will be and over what period it will operate. A whole range of contingencies arise because of the circumstances of the APY lands and the distance associated with conducting an election inland, so far away from Adelaide. That is not the prime motivating factor, but of course Mr Collins, who has had a key relationship with this whole process, has experienced a change in circumstances. Similarly, there could be other changes in circumstances that could mean that the period of eight weeks which would be set in place automatically from the date of assent would give us no flexibility.

The other flexibility that is removed as a consequence of not having an amendment of this sort is the capacity to bring individual provisions of the amending act into operation before others. For instance, under the present arrangements, once the assent is given, all the provisions of the act come into operation simultaneously. This amendment allows us to bring into operation certain provisions at different times.

Ms CHAPMAN: I asked the minister what circumstances, and he answered that by saying that Mr Collins' accident has interrupted the situation, but I want to understand this clearly. There is nothing in this bill which imposes any responsibility or obligation on Mr Collins to be involved in this election and, obviously, it would be quite improper for him to do so. He has made his recommendation, and the Electoral Commissioner is being appointed here. So, what are the alleged circumstances for this delay? Mr Collins recommended July. The Electoral Commissioner knows the election is a long way away, and he knew all that when we put those questions to him over a week ago. He is ready to go, and he has all that in place, so what circumstances would interrupt that?

Ms Bedford interjecting:

Ms CHAPMAN: It is well known to all the players involved that July is winter; it has been winter in the Southern Hemisphere for as long as I can remember. Secondly, regarding the minister's assertion that it gives some flexibility to the government to be able to bring in parts of this legislation when it suits, for what part of this bill is the government seeking some flexibility that is causing the delay in its introduction? That is what I ask. Where are the specific provisions in this bill that justify that action?

The Hon. J.W. WEATHERILL: It seems that the honourable member is getting rather hot under the collar over what is a fairly simple proposition. Because of the circumstances that pertain in the APY lands in respect of the running of an election, the government seeks to have the flexibility that any sensible legislature should confer upon it to ensure that these elections are a success. The honourable member has somewhat misrepresented the position. I did not suggest that Mr Collins' illness is the reason why we seek this. I used that as an example of an unforeseen event which could cause the government to have pause about the particular election timetable. We may wish to have an administrator in place during the period over which an election is held. That is one factor that we may wish to have in place, and there may be others. There may be a particular cultural event which emerges in the life of the community at a particular time, and we may become aware of that prior to putting the election process in place. This amendment simply gives us the capacity to control the election process.

Implicit in the honourable member's contribution seems to be the suggestion that the government does not want an election. Quite the contrary, the government does want an election; it believes that it is the only sensible process which will cleanse the situation and cause there to be no further doubt about the current legal arrangements and the current legal standing of the existing body that administers the lands. That is our position. We have put forward what I think is a sensible proposition to provide us with that flexibility.

Ms CHAPMAN: What has happened between the introduction of this bill and today that has caused the government to move this amendment and now want to have this flexibility? From whom, if anyone, has it received a submission to seek a delay of this election to at any time past the eight weeks that is otherwise proposed from the date of assent?

The Hon. J.W. WEATHERILL: I think the honourable member misunderstands the nature of the amendment. The present situation is the unusual situation. The present situation is that the act comes into operation from the date of assent. That is unusual. The usual course is that acts come into operation from the date of proclamation. Upon reflection, and partly informed by what has happened with Mr Collins, and reflecting on the fact that certain unforeseen events could well arise like that—

Ms Chapman: Like what?

The Hon. J.W. WEATHERILL: We may become aware of—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: We have reflected upon the fact that there could be a range of events.

Ms Chapman: Like what? Give me an example.

The Hon. J.W. WEATHERILL: There could be a particular cultural event. Somebody important could die and it could mean—

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: Well, in this culture that leads to the large movement of people over very long periods of time, and that could jeopardise the success of the election. It could be some special ritual that we become aware of. It could be a whole range of conventions on the way in which people move to and fro on the lands. We simply ask for what I would have thought was fairly commonsense flexibility.

Dr McFETRIDGE: I hear what the minister says, and those members who know me as a member of the Aboriginal Lands Parliamentary Standing Committee know my concerns for the people on the APY lands. They know that I am genuine in urging that this election be held as soon as possible. There are many variables. There are some potential impediments. Someone could die, and anyone who knows the great respect I hold for the Aboriginal tjukurpa would also know that, if an event occurred that delayed this election, I would be very disappointed if my colleagues on this side did not support an amendment to put the election back a bit because, say, a significant event occurred. Unfortunately, none of us can grasp the unpredictability of the way the communities operate on the lands unless you live with those communities for a long time and try to understand them. I do not think we should be looking at the potential of the sky falling. We should be getting it done as quickly as possible.

This is not a slur against Mr Gary Lewis. This is not a slur against the executive. And this is certainly no slur against the

people. This is to make sure that everybody conducts themselves in an open and honest way, to reduce the conflict and, as Mr Collins said, to reduce the angst out there over the way the executive is currently positioned. The executive needs to be legitimised as quickly as possible.

Mr HANNA: The Greens support the amendment. If this parliament of whiteys is going to force an electoral system upon the APY lands communities, the very least we can do is give adequate time for not only proper electoral arrangements to be put in place but also to allow word to get out about what has actually occurred. We would be extremely foolish and naive to think that, just because we have passed a law in this place, just because it appears in *The Advertiser* tomorrow morning, suddenly people up there are going to be aware of what is going on and what the implications are for their democratic processes. At the very least, although the government amendment does not go far enough, it gives a bit of breathing space, and I can only support it.

Dr McFETRIDGE: If we could predict the future it would be wonderful, but can the minister give me an assurance that this bill will be proclaimed at the earliest instance?

The Hon. J.W. WEATHERILL: Certainly, we will proclaim this bill at an early date. There is no intention to unnecessarily delay the election process. This should be done in a sensible, timely and intelligent fashion. We have no desire to see this stretch out on some extended time line.

The committee divided on the new clause:

AYES (25)

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

NOES (17)

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

Majority of 8 for the ayes.

New clause thus inserted.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

Clauses 2 and 3 passed.

Clause 4.

Mr HANNA: This clause deals with the constitution of the executive board of Anangu Pitjantjatjara, and I want to say something about that. Again, without consultation with the local community (with the Anangu), this parliament is imposing its formula for the way in which it is to be governed. Obviously, there are a number of different ways we could make up the council. I am attracted to the notion that we should cater for women's representation on the APY council.

One of the difficulties—due to cultural issues—one can observe on the APY lands is that women are often left out of key discussions. They can speak amongst themselves, but they are not always recognised in formal forums. I am attracted to the idea, if we are to have a ward system, of a woman and a man being elected in each area around the lands. However, I put that forward as a view to which I am attracted. It would ensure that women and men are amply represented on the APY council. However, I do not seek to impose that opinion on them.

It is not something about which, personally, I can consult sufficient people on the lands, but, I think, that would be a proper course for the government to undertake. The government has not done that, and I criticise the government for that. Instead, we have a formula that will lead to much the same sort of division that is currently experienced on the lands. The government has put forward an unsatisfactory formula. I cannot agree with it but, as only one person, I cannot consult sufficiently with the Anangu about what that formula should be, so I am not going to come up with an alternative. I simply say that the process to date has been unsatisfactory.

The Hon. J.W. WEATHERILL: I do not seek a comment on the merit or otherwise on the proposition that the honourable member puts, except to say that this bill is very much about trying to put in place a holding position, leaving in place the current composition until a review of the act can take place when his concerns, if he seeks to raise them at that point, could be taken into account. There are many people who have a whole range of views about what should be the composition for the future, and whether there should be yearly or three yearly elections, and a whole range of views about the future. We set those aside for the review of the act to which we have committed.

Clause passed.

Clauses 5 to 7 passed.

Clause 8.

The Hon. J.W. WEATHERILL: I move:

Page 6, lines 28 and 29—

Delete '(and the community administrators in relation to each electorate may provide assistance in relation to such publicity)'

Amendment carried; clause as amended passed.

Clause 9 passed.

Schedule.

The Hon. J.W. WEATHERILL: I move:

Page 14, line 6—

Substitute 'assent to' for 'commencement of'

The amendment to the schedule is consequential upon the amendment passed earlier concerning the proclamation. It is consequential on the fact that the act will now come into operation from the date of proclamation rather than from the date of assent.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

The Hon. J.W. WEATHERILL: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (MISCELLANEOUS SUPERANNUATION MEASURES) BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 1632).)

The Hon. I.F. EVANS (Davenport): The opposition supports the general measures set out in the Statutes Amendment (Miscellaneous Superannuation Measures) Bill 2004. We note that both the unions and the superannuation federation have been consulted about the bill and have indicated support. Generally the bill deals with the Police Superannuation Act 1990, the Southern States Superannuation Act 1994 and the Superannuation Act 1988, which are the acts which establish and continue the superannuation scheme for police officers, public servants, teachers and other government employees. The bill basically deals with three matters: first, the superannuation surcharge; secondly, the member investment choice; and thirdly, the interaction between superannuation pension payments and weekly payments of workers compensation.

In relation to the superannuation surcharge, the bill seeks to provide a facility for those persons who are members of one of the lump sum schemes established under the acts that I have mentioned to pay any surcharge debt out of their superannuation benefit. The proposal will bring members of any of the government's lump sum schemes generally into line with the members of the state pension scheme, the parliamentary scheme and the police pension scheme, who already have the ability to leave part of their retirement benefit in the scheme and use it to discharge their superannuation surcharge liability. In the private sector schemes, the fund is liable for the surcharge tax and, after paying the tax, reduces the accrued benefit of the member who was subject to the surcharge. In the government superannuation funds, where the tax is not levied on the fund as benefits accrue but is applied to the member's benefit when it is received, the member is personally liable for the surcharge debt.

In schemes such as those established by the state government, the member liable for the surcharge can choose between paying for the surcharge debt as it accrues or, indeed, deferring the debts raised until a benefit is paid from the scheme. The commonwealth applies interest to a deferred debt until such time as it is paid. The proposal that is set out in this bill provides an option for members subject to a surcharge liability to estimate their surcharge debt at retirement, based on assessment notices already issued by the tax office. Members will then be required to request the relevant superannuation board to withhold part of their retirement benefit, equal to the surcharge estimate, until receipt of their final notice to pay the surcharge debt from the tax office. Generally, the bill allows the surcharge debt to be paid from a pre-tax benefit, which is the same basis as already applies to employees in the private sector with a superannuation surcharge. As it streamlines that process and lines the schemes up, the opposition does not have a problem with that proposal.

The second issue that is dealt with is the introduction of member investment choice as an option for members of state lump sum schemes. This proposal provides member investment choice as an option for the member contribution account or employee component of the benefit in the state lump sum scheme. Members investment choice will not be available for the employer component of the benefit as this is a defined benefit in the state lump sum scheme. The bill will bring the state lump sum scheme into line with the SSS scheme where members have the opportunity to switch between the various investment options on offer. This facility will enable members to elect to move to a more conservative investment strategy as they approach retirement in order to protect their accrued benefit, especially in times of volatility with low to negative returns. For those reasons, the opposition supports that proposal.

The last set of circumstances with which the bill deals is that it seeks to address the situation where persons aged between 60 and 65 in receipt of weekly payments of workers compensation and members of either the state pension scheme or police pension scheme are able to receive a superannuation pension without restriction. A person in this situation is able to receive a weekly income representing more than 150 per cent of their employment salary. Clearly, it was never the intention that government employees in receipt of weekly payments of worker's compensation should be able to have unrestricted access to their superannuation pension while in receipt of a worker's compensation weekly payment. This provision seeks to tidy up that area, and the opposition also has no problem with that provision. For those reasons, the opposition supports the bill.

The Hon. R.B. SUCH (Fisher): I am not sure whether this matter is addressed in the bill, but I draw it to the Treasurer's attention. I am told by many school principals who are close to the retiring age of 60 that they are basically forced to retire because of the current provisions of the Superannuation Act under which they work. They do not wish to retire, but they tell me that for financial reasons they are, in effect, forced to retire. I believe it was an issue raised formally during estimates, and it may have been raised informally. I think the Chief Executive of DECS agreed with that concern. However, it was certainly raised a week or so ago. If it is not addressed by this bill, and I do not see that it is, I ask whether the Treasurer will look at that issue, which is forcing out of the work force very capable, experienced people who would like to work in education beyond the age of 60 but cannot or will not do so because they are financially penalised if they stay on.

The Hon. K.O. FOLEY (Treasurer): I will undertake to get an answer for the member. I do not have that information to hand at present, but I will certainly take that on board and directly correspond with the member on that matter. I thank the opposition for its support. The shadow minister eloquently described the content of the bill, and I have no further material to add and look forward to the speedy passage of the bill.

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

PROFESSIONAL STANDARDS BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 756.)

Ms CHAPMAN (Bragg): This bill was introduced by the Treasurer in the House of Assembly on 12 November 2003. His contribution describes the bill as 'the third stage of the government's legislative response to the insurance crisis.' The commonwealth and all states had given a commitment to enact similar legislation. The background to this matter is that in 1994 New South Wales introduced the Professional Standards Act. Under this legislation it was possible for a professional association to register a scheme under which standards of entry, control of professional conduct, and the obligation to obtain adequate insurance cover is established in exchange for a statutory cap on the amount that may be recovered from members of the association.

The original idea was promoted by the accounting profession, which sought to limit individual liability for damages in respect of audit work: however, the act allowed other approved professional associations to participate. The central idea of the scheme was a stipulation of a minimum amount of insurance cover coupled with an equivalent statutory cap on the damages recoverable. In New South Wales the following professions and occupations have secured protection under the Professional Standards Act, namely: accountants, solicitors, surveyors, valuers and some engineers. Similar legislation was passed in Western Australia but not implemented.

One of the impediments to legislation of this kind was the fact that it could not protect participants from claims made under commonwealth laws. Accordingly, although the professional can limit common-law claims for negligence under the New South Wales Professional Standards Act, he or she cannot limit claims for misleading and deceptive conduct under the Federal Trade Practices Act, or for failing to comply with the Corporations Law or the ASIC Act. As a result of the activities of the Ministerial Council on Insurance Issues, chaired by Senator Helen Coonan, the commonwealth has now agreed to amend federal legislation to permit caps.

This bill is modelled on the New South Wales act. A professional standards council is established, and its function is to register schemes from occupational or trade groups. It is not limited to professions in the strict sense. A registered scheme can apply to everyone in that occupation or to a particular class of practitioners. A scheme has a life of up to five years, and it caps the professional liability of practitioners covered at a figure not less than the minimum cap fixed by the act, namely $500 000. In return for the benefit of protection from liability over the cap, the scheme must require the practitioner to maintain insurance cover or business assets equivalent to the cap—in other words, insurance to $500 000 if that is the minimum that is allocated and/or assets to that amount—and, depending on the particular scheme, to:

- follow prescribed risk management procedures;
- undertake continuing professional education;
- participate in a proper complaint handling system;
- be subject to a rigid code of professional discipline; and
- take other steps required by the scheme to improve professional standards and protect consumers.

After the council approves a scheme it must be submitted to the minister for final approval. When approved by the minister the scheme is tabled in both houses and is disallowable.

It should be noted that the bill does not apply to damages for personal injury. It relates to professional indemnity insurance for professions like accounting and law where negligent performance of duty is more likely to result in economic hardship, rather than physical injury. Referring to the law, I indicate that I am a member of the legal profession and a member of the SA Bar Association. Engineers and/or architects can be covered, but only against claims for such things as remedial work—not for claims by those injured by the collapse of a negligently designed bridge or building. It follows that this measure will not be of any assistance to the medical profession, and I think that is important to note.

I understand that the legal and accounting professions are supportive of the bill. All governments support the bill and are in the process of introducing this measure. Although the bill has the effect of reducing a plaintiff's rights in negligence, its offsetting community benefits that apparently will flow from this are the imposition of compulsory insurance and higher standards as well as allowing professionals to carry on business without being exposed to non-insurable risks for an unlimited amount for an indefinite period. That is the background to this matter. I indicate that the opposition is supportive of the legislation, save and except that I foreshadow an amendment. I have some questions in relation to what has happened at the commonwealth level. As I indicated earlier, any state legislation in this area will be ineffective unless the Trade Practices Act is amended, and that is quite simply because, whilst the state law might cap the amount of claim under the state legislation or in a state court, a claimant could avoid that cap simply by suing for damages for, say, misleading or deceptive conduct under the Trade Practices Act; so, we need to ensure that we dispose of that opportunity and that, of course, requires the amendment to the Trade Practices Act.

When the bill was introduced, the commonwealth parliament had not passed any amendments to the Trade Practices Act. Subsequently, on 4 December 2003 the Treasury Legislation Amendment (Professional Standards) Bill 2003 was introduced in the House of Representatives. We have checked with the federal parliament web site as recently as today and also checked with the federal parliament, because we understood that there was some possibility of this matter being listed for debate even today. Those who read the newspapers will know that the federal parliament sat last Saturday and is now up for its five-week session in which there will not be any sittings of the federal parliament.

Any consideration or completion of this matter, it seems, will have to await debate in August this year, assuming of course there is no other intervening event. I simply raise that matter, because nothing we do in this parliament is going to have any effective remedy of the intention of this bill unless the commonwealth parliament legislation has been passed. I suppose we really look to the Attorney-General, who has conduct of this matter on behalf of the government, for what assurance there will be that this legislation will pass. Has the commonwealth minister made any statement on the subject? If so, when, and what did she say in relation to this? It seems as though South Australia and, in fact, the rest of the country is left somewhat up in the air if this matter is not dealt with.

I think it is also important to identify who will be the minister responsible for this legislation. I would like the Attorney to address that matter in his reply as to who in our parliament will ultimately have responsibility for this matter

as a member of the government. One of the recent developments has been a break-out by Victoria. This is referred to in an article by Bob Gotterson QC, President of the Law Council, in the Australian *Financial Review* on 5 December last year entitled 'Exemption puts uniformity of standards at risk'. It appears that the Victorian government proposes to exempt breaches of fiduciary duty from the cap; in other words, solicitors will be exposed to unlimited damages for breach of fiduciary duties. This means that they will have to carry insurance for significant amounts, because they are liable for fiduciary duties by partners and employees, etc. I think that, if I read from this article, it will indicate the level of concern that it raises as to how effective the scheme will be if, in fact, the fiduciary duty is exempt and therefore will require very substantial insurance, notwithstanding the objective of this legislation. The article states:

'Consistency is the key to achieving a workable network of professional standard laws,' says Bob Gotterson.

It is vital that Australia has nationally consistent professional standards legislation. But as states and territories move to introduce this legislation, a change made by the Victorian government is threatening to undermine the effectiveness of the system.

He then refers to legislation in New South Wales and Victoria as being contrary to the Victorian position. In relation to the fiduciary aspects, which I have indicated, he says:

It is important that there is no variation from state to state, because a growing proportion of professionals operate in a national marketplace or, at the very least, across a number of jurisdictions. The Law Institute of Victoria has warned that professional firms will not take part in professional standards schemes unless there is national consistency.

Professional standards legislation is one part of the necessary response to a serious and accelerating failure in Australia's insurance markets for professional and tradespeople. Over the past two years, the number of insurers offering professional indemnity insurance has plummeted and premium increases of 1000 per cent or more have been common.

It is a significant problem faced by the legal profession as non-compulsory or top-up levels of insurance have become unaffordable for some lawyers, particularly middle-tier firms.

I think that the parliament can appreciate the gist of the concerns raised. The very idea of providing a cap and imposing certain standards that need to be complied with to have the benefits of the restricted cap can be blown away by the inaccessible and unaffordable premiums that will still prevail for the professions to undertake if the fiduciary exemption takes hold. Unfortunately, it seems that the very benefits and effect of this legislation have already been 'sabotaged', if I can put it that way, in Victoria and, unless the situation can be remedied, we will need to have that position clarified.

This is complementary state and federal legislation, and I ask that the minister identify other states' passing of their legislation and whether there have been any significant amendments, other than the Victorian issue I raised. In relation to the amendments, I indicate that the opposition foreshadows two amendments to clause 15. They are complementary, and I will be happy to move them together, and I indicate that they deal with the same issue. To ensure that a scheme for limiting the occupational liability of members of an occupational association does not come into operation until after parliament has seen it is the purpose of these amendments. The cornerstone of this bill is an approved scheme prepared by an occupational association. The mechanism for preparing and approving schemes is laid out in clauses 8 to 14. Speaking generally, the association prepares the scheme, which must be approved by the Professional Standards Council. It is envisaged that the council will be a national body; however, it may be a local body as well.

Before approving a scheme, the council must consider a number of matters, and that, of course, is referred to in proposed clause 11. Public hearings are possible, and that is referred to in clause 12. After the council has approved the scheme, it must be submitted to the minister for approval. This is the first level of true public scrutiny. If the minister approves the scheme, it will be gazetted and come into operation as a regulation. As such, it will be a disallowable instrument, that is, it can be disallowed by resolution of either house within 14 sitting days.

The difficulty with this regime is that the scheme can come into operation and then subsequently be disallowed. This leads to uncertainty, and the one thing that schemes of this kind require is certainty, not uncertainty. We accept that, under the current scheme, council by-laws and usual government regulations may be disallowed after they have commenced. That does create some confusion, but that is the price we pay for parliament having scrutiny over local government by-laws and other subordinate legislation.

However, a scheme under this act is not really the same as a council by-law or a conventional regulation. The scheme is an instrument by which a private group of individuals in the community, that is members of a trade or professional association, receive a benefit in the form of a limitation on their liability. Correspondingly, their clients and potential claimants against them suffer a detriment, that is, a limitation on their capacity to recover damages.

The bill quite appropriately recognises that there should be parliamentary scrutiny of such schemes. We say, for the scrutiny to be effective, the scheme should not come into operation until after the parliament has had an opportunity to examine the scheme. This is not a new idea. This amendment is similar to the one which we have sought being incorporated, indeed was incorporated, into the Recreational Services Limitation Liability Act 2002. The regime under that act is very similar to this. Under that act, the providers of recreational services are able to secure the registration of a code of practice which enables them to limit their liability.

A similar amendment was moved, as I have indicated, when that bill was passing through the parliament. On that occasion, the government agreed to it. Accordingly, in the same light I would trust and hope that the government will agree to the sensible proposal on this occasion also. I am not quite sure that they agreed to it in the first instance when we debated that bill in the lower house, but is seems that they had a flash of genius on the way back, when it came back from the upper house under that bill. In any event, it was agreed upon at that time. I would hope that the government will recognise the significance of this and the importance of the amendment which I will move in the committee stages.

The Hon. M.J. ATKINSON (Attorney-General): I am grateful to the member for Bragg for her analysis of the bill. To answer her questions, I am advised that the commonwealth bill has gone through, but my officers are checking that. On the question of which minister the bill is going to be committed to, the government has not decided, but in New South Wales it is committed to the Attorney-General. On the question of differences between professional standards legislation in the states and territories, Victoria's difference about breach of fiduciary duty is the only major deviation

around Australia on the scope of the bill except, of course, for differences in this bill. We have excluded breaches of contract, as distinct from a breach of a contractual duty of care, and intentional torts. There are other minor variations around Australia, but the government does not believe they threaten the efficacy of the scheme.

Bill read a second time.

The SPEAKER: Before the house goes into committee, I will make just a couple of reasonable observations for the record. The first is that this is a sitting day. There are other people aside from those of us who are elected representatives who, to enable the parliament to function, have to be here with us to do so. They make their arrangements on the assumption that we will be sitting both before and after dinner.

Whilst it may be convenient for some members of the government and the opposition to choose to ignore the standing orders by moving to extend the sittings beyond the normal time for dinner, such practice has the unfortunate consequence of causing considerable discomfort for those other people who have to continue working. Under occupational health and safety standards that is hardly fair, especially if it is more than a few minutes. Quite clearly, on this occasion it will be at least three quarters of an hour. I would not have thought it was all that unreasonable to have provided everyone with the opportunity to have a dinner break in the manner in which they had expected it when they began working this morning or, indeed, after lunch.

Furthermore, if the practice is to continue on Mondays in the manner in which we are doing it, or in an ad hoc fashion on other days, it does not have my support. Standing orders and/or some better notice ought to be given to everyone of the intention of the people responsible for arranging business to do it in this fashion.

In committee.

Clauses 1 to 14 passed.

Clause 15.

Ms CHAPMAN: I move:

Page 7—
Line 28—
After 'commences' insert:
as follows.
After lines 29 to 31—
Delete paragraphs (a) and (b) and substitute:
(a) if no notice of motion to disallow the scheme is given in either house of parliament within 14 sitting days after the scheme was laid before the house, the scheme will commence at the expiration of that period (or if the period is different for each house, on the expiration of the later of those periods);
(b) if notice of a motion to disallow the scheme is given in either or both houses during that period, the scheme will commence when the motion is negatived (or if notice is given in both houses, when the motion is last negatived).
(unless the scheme itself fixes a later day for its commencement).

I move the amendment for the reasons already indicated.

The Hon. M.J. ATKINSON: The government opposes this amendment. This clause as printed provides that the scheme will commence either on the date specified in the *Gazette* when the scheme is published, or, if no date is specified, two months after publication. Clause 14 provides that once the scheme is gazetted it can be disallowed in the same way that a regulation can be under the Subordinate Legislation Act; that is, under the bill a scheme could come into force but be later disallowed. This amendment proposes that this should not be possible; rather, a scheme should not commence until after the time for disallowance has passed or if there is a motion to disallow has been negatived.

As we all know the time for disallowance, if it extends over a session break, can be three or four months. If a motion is moved, it can be debated at any time thereafter, so the effect of the amendment would be to introduce a potentially long delay between ministerial approval of a scheme and the commencement of the scheme. It is true that once a scheme commenced it would face no risk of disallowance.

That advantage, however, is outweighed by disadvantages. First, although delay in the commencement of a new scheme might not matter as much, delay in the replacement of an expired scheme by a new scheme could be quite a problem because, as soon as the old scheme expires, if there is a gap, practitioners must purchase cover based on unlimited liability, thus defeating the purpose of having a new scheme. Second, in such gaps, whether before the commencement of a proposed new scheme or between schemes, some practitioners may well decide either to not sell their more risky services or trade without insurance. Neither is good for consumers.

Third, ministers hope that one day soon there will be a national professional standards council that would approve schemes for all jurisdictions. It may be that the same scheme is approved for all states and territories for the regulation of a particular occupation or group. If so, it might be desirable to have it start on the same day in all states and territories. Under the bill as printed that would be achieved by gazette notice. Under the proposed amendment from the member for Bragg that would be impossible because one could not predict whether or when a disallowance motion on the bill might debated.

Fourth, although the bill intends to give the parliament power to disallow a scheme, it is to be hoped that few schemes will in practice be disallowed because there is a thorough process of public consultation and examination of a proposed scheme before it can get ministerial approval. A scheme must be advertised, anybody can make a submission about its advocacy, the council must consider submissions and must examine the scheme against the criteria in the act. It can conduct public hearings. Even if the council approves the scheme, it is up to the minister to decide whether it should take effect. There is also a power to challenge the validity of a scheme if it does not fully comply with the account. These safeguards should mean that by the time the scheme is laid before parliament any public concerns about the scheme have been thoroughly aired and fully dealt with.

Further, in contrast to a regulation, there are other avenues for members who are dissatisfied with a scheme apart from disallowance. They could, for instance, lobby the council to review the scheme or ask the minister to do so. They could approach the occupational association concerned and put a case for amendment to the scheme. Disallowance is therefore unlikely to occur very much. It seems unreasonable then to hold up the commencement of a scheme with which neither the profession nor the public has any problem because of the possibility that it might be disallowed. Businessmen want to get on with things and not wait around for red tape to be completed. Professionals have been making submissions to governments about the need for these measures in the context of an insurance crisis for the past two years.

Fifthly, there is no clear reason why a scheme should be treated differently from a regulation. A regulation operates unless and until disallowed, even though there is no requirement for any public consultation in the framing. It makes no

sense that schemes, having been aired and tested as they will be, should be treated with greater caution than regulations. Sixthly, with these measures insurance ministers are trying to bring about a nationally uniform scheme of professional standards legislation. Deviation from the national model should be kept to a minimum and should only be made for good reason. No sufficient reason appears for this proposed deviation. Accordingly, the government opposes the amendment, but I ask the member for Bragg in reply to say whether she has consulted Professions Australia and the Professional Standards Council about her amendment and, if so, whether they support it.

Amendment negatived; clause passed.

The CHAIRMAN: As the member for Bragg's second amendment on the same clause is consequential, it therefore lapses.

Remaining clauses (16 to 58), schedules (1 to 3) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

STATUTES AMENDMENT (COURTS) BILL

Consideration in committee of the Legislative Council's amendments:

Amendment No. 1—
Long title, page 1—
After "*Courts Administration Act 1993*," insert:
the *Criminal Law Consolidation Act 1935*,
Amendment No. 2—
New Part, page 4, after line 26—
Insert:
Part 2A—Amendment of *Criminal Law Consolidation Act 1935*
4A—Substitution of Division 11 of Part 9
Part 9 Division 11—delete the Division and substitute:
Division 11—Witness fees and expenses
297—Witness fees
Witness fees and expenses in respect of proceedings under this Act are payable in accordance with the regulations.
4B—Amendment of section 353—Determination of appeals in ordinary cases
Section 353(4)—delete subsection (4) and substitute:
(4) Subject to subsection (5), on an appeal against sentence, the Full Court must—
(a) if it thinks that a different sentence should have been passed—
(i) quash the sentence passed at the trial and substitute such other sentence as the Court thinks ought to have been passed (whether more or less severe); or
(ii) quash the sentence passed at the trial and remit the matter to the court of trial for resentencing; or
(b) in any other case—dismiss the appeal.
Amendment No. 3—
Clause 16, page 8, after line 4—
Insert:
(2) Section 6A(3)—after paragraph (b) insert:
(c) if the jury is retiring to consider whether or not to return a verdict without hearing further evidence—direct that they rejoin the jury in the event that the jury decides that it wishes to hear further evidence before returning a verdict.

The Hon. M.J. ATKINSON: I move:

That the Legislative Council's amendments be agreed to.

Ms CHAPMAN: I want to raise one matter. In the other place the minister (Hon. P. Holloway), indicated in response to the Hon. R.D. Lawson that some assurance would be given that, in regard to the amendments (which, of course, were government amendments), the Law Society would be advised and provided with an opportunity to comment before the matter was considered in another place. The Hon. P. Holloway said:

I think we can give that undertaking. The amendment, if it is passed, will have to go back to the other house so, before it is proceeded with there, we can make sure the Law Society is consulted. I will give that undertaking on behalf of the government.

I simply ask that the government indicates whether that has occurred.

The Hon. M.J. ATKINSON: Yes, the Law Society loved the amendments!

Motion carried.

MATTER OF PRIVILEGE

The SPEAKER: The chair was asked earlier during proceedings today whether or not a question of privilege existed in consequence of a decision taken by the Pitjantjatjara Yankunytjatjara Land Council in its decision to dismiss its Chief Executive Officer, Mr Robert John Buckskin, for the reasons set out in a letter read into the record by the member for Morphett. That letter was signed by Mr Gary Lewis, the Chairman of the land council. In it, he gave as reasons for the dismissal the fact that on one occasion Mr Buckskin had not provided the council with correspondence from the Department of Corrections and otherwise, and in addition, had provided evidence to the Aboriginal Lands Parliamentary Standing Committee (a standing committee of parliament chaired by the Hon. Terry Roberts). The occasion on which that is said to have happened, according to the letter, was 8 June.

What is not clear to the chair, nor can it be clear other than by hearsay at this point, is the status of the evidence (if it was evidence) provided by Mr Buckskin to that committee. More particularly, until and unless the committee chooses to report to the parliament, it will not be possible for the chair to make any deliberation as to whether there has been some prima facie instance of infringement of parliamentary privilege. At first glance, it might appear that there has been; on a more careful analysis, that is questionable. Final deliberation must await the committee's report. Until such time as that happens (if it happens at all), the chair makes no remark whatever as to whether Mr Buckskin has any case for wrongful dismissal which could be taken in any forum other than the parliament, whether that be in the Industrial Relations Commission or elsewhere.

Another important point in these remarks by the chair to the parliament is relevant in the context of the fact that the letter has been read into the record of parliament. Of itself, that changes nothing. The letter is not a document possessed by the parliament; rather, it is a document of which the parliament now has complete knowledge. It is not privileged in any context other than that the member who read it into the record, the chair and any other member who may wish to comment on that matter may do so, and it is covered by parliamentary privilege in so doing. The contents of the letter,

however, are not. Should any of the parties other than those in the parliament decide to make it justiciable, that is a question for them and their counsel.

ADJOURNMENT

At 7 p.m. the house adjourned until Tuesday 29 June at 2 p.m.