LEGISLATIVE COUNCIL

Thursday 11 November 2004

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

GENETICALLY MODIFIED CROPS

A petition signed by 79 residents of South Australia, concerning the Genetically Modified Crops Management Act 2004 and praying that the council will amend the Genetically Modified Crops Management Act 2004 to remove section 6 of that act, was presented by the Hon. Ian Gilfillan.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

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

Basin Salinity Management Strategy 2001-15—Ministerial Council Resolution

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

Reports, 2003-04—
- Arid Areas Catchment Water Management Board
- Carrick Hill Trust
- Clare Valley Water Resources Planning Committee
- Country Arts SA
- Department for Administrative and Information Services
- Department of Education and Children's Services—Children's Services
- Environment Protection Authority
- Environment Protection Authority—the Administration of the Radiation Protection and Control Act 1982
- Eyre Peninsula Catchment Water Management Board
- General Reserves Trust
- History Trust of South Australia
- Libraries Board of South Australia
- Northern Adelaide and Barossa Catchment Water Management Board
- Onkaparinga Catchment Water Management Board
- Pastoral Board of South Australia
- Patawalonga Catchment Water Management Board
- Privacy Committee of South Australia
- River Murray Catchment Water Management Board
- South Australian Soil Conservation Council
- South Australian-Victorian Border Groundwaters Agreement Review Committee
- South Australian Youth Arts Board
- South East Catchment Water Management Board
- South Eastern Water Conservation and Drainage Board
- The Department of Water, Land and Biodiversity Conservation
- Torrens Catchment Water Management Board
- Water Well Drilling Committee
- Wilderness Protection Act
- Zero Waste SA.

QUESTION TIME

CREDIT RATING

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the minister representing the Treasurer a question about the AAA credit rating.

Leave granted.

The Hon. R.I. LUCAS: On 25 October the Premier and the Minister for Health issued a joint press statement headed '$25 million AAA boost for health.' In that statement Premier Rann is quoted as follows:

> Premier Mike Rann says that a mid-financial year $25 million boost to health care funding, approved by cabinet this morning, is one of the dividends of the government's recent achievement of a AAA credit rating.

On 27 October there was a joint press release from Premier Rann and minister Lomax-Smith headed '$40.6 million AAA boost for state's schools'. The first sentence states:

> Premier Mike Rann has today announced a $40.6 million boost to the state's schools, the second dividend delivered in the wake of the government achieving a AAA credit rating for SA.

Further, a number of ministers have made extravagant claims in relation to these issues, and I refer to just one. The Attorney-General (Hon. Michael Atkinson) on 26 October said:

> . . . well, what it means is that taxpayers should be paying less money in interest on government debt because we're a better risk now and we got the first pay-off today because the government was able. . . this morning cabinet decided to put an extra $25 million into the health budget. . . that is really a consequence of the AAA rating.

My questions are:

1. What advice has the Department of Treasury and Finance given about the level of annual interest savings in the general government sector as a result of moving to the AAA credit rating? Does the Treasurer deny that the advice from Treasury is that the annual savings are less than $5 million per annum?

2. Have Rann government ministers—and, in particular, I have instanced the example of the Attorney-General (Hon. Mr Atkinson)—misled the South Australian community when they claim:

> . . . well, what it means is that taxpayers should be paying less money in interest on government debt because we're a better risk now and we got the first pay-off today because the government was able. . . this morning cabinet decided to put an extra $25 million into the health budget. . . that is really a consequence of the AAA credit rating.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): One can understand the gall of the former treasurer, the treasurer who was incapable of putting the finances of this state into accrual balance. One can understand how frustrated he must be that, within 2½ years, this government was able to achieve the AAA rating and it has achieved ahead of schedule accrual balance. Of course, this morning we had some very good figures in relation to unemployment in this state. The total employment in South Australia has risen to a record high. Is it any wonder that the Leader of the Opposition is frustrated and would try to—

The Hon. R.K. Sneath interjecting:

The Hon. P. HOLLOWAY: Yes, he obviously has a great deal of trouble dealing with this. I would have thought that every South Australian would welcome the fact that this state has now achieved its AAA credit financial rating—

The Hon. J.S.L. Dawkins: Why is it so important?

The Hon. P. HOLLOWAY: Because we balance the budgets, that is why. Unlike the previous government that sold $6 billion of assets—

Members interjecting:

The Hon. P. HOLLOWAY: Let me repeat this—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes. I repeat: the previous government, over its eight years (from the early 1990s through to 2002), sold about $6 billion worth of assets in this

state and debt was reduced by $4 billion. Members opposite like to talk about asset sales, but one needs to look at the net figure. I am happy to remind this council on every occasion about the asset sales over that period and for which members opposite like to take credit. Mind you, it does not take too much talent to put up a for sale sign—and they even mucked that up. When they tried to sell the electricity assets, we know what a botch they made of that. It cost us at least $110 million to do it; and, of course, we had to come back to this parliament on a number of occasions because the previous treasurer stuffed up the process—

An honourable member interjecting:

The Hon. P. HOLLOWAY: And of course, yes, we have the TAB. What a disaster that was. This government has brought the budget into balance by reducing spending. Of course, members opposite are continually attacking this government over areas where they would like to increase spending. At the next election, which is not that far away, the public will have a choice. They can go back to the past—back to privatisation and over-spending, back to big budget deficits and reduced financial responsibility—or they can stick with the current government, which has been able to restore the state's AAA financial rating because it has managed to balance the budget and keep its spending under control. I believe that is really all that needs to be said in relation to the leader's question.

The Hon. R.I. LUCAS: I have a supplementary question arising out of the answer, Mr President.

The Hon. A.J. Redford: What answer?

The Hon. R.I. LUCAS: Well, the attempted answer. Does the Leader of the Government acknowledge that the two most significant factors identified by economic and financial commentators in terms of the AAA credit rating, returned to the state after it had been lost by the previous Labor government, have been the reduction of debt as a result of the electricity privatisation and the almost $1 billion extra in GST payments—policy decisions which both he and the Rann government opposed?

The Hon. P. HOLLOWAY: I have already dealt with the question of asset sales and the asset performance of the previous government—$6 billion in sales, $4 billion off debt.

MANOCK, DR C.

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about Dr Colin Manock.

Leave granted.

The Hon. R.D. LAWSON: It was widely reported earlier this week that Dr Colin Manock appeared before the Medical Board this week and gave evidence. It has also been reported that in the course of that evidence Dr Manock made statements which are incompatible with, or at least at odds with, evidence given by him in at least one earlier criminal trial. My questions are:

1. Has the Attorney-General seen the evidence of Dr Manock or received a briefing on its effect? If so, what action does the Attorney-General propose to take in relation to that evidence?

2. In any event, will the Attorney-General request that the Office of the Director of Public Prosecutions prepare a report on the evidence given by Dr Manock and its effect on any criminal proceedings?

3. When will the Attorney-General correct and apologise for the false statements he has made in reference to Associate Professor Tony Thomas?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Attorney-General. I think there have been motions in this council, and I believe that the previous attorney, the Hon. Trevor Griffin, was also asked questions about Dr Colin Manock.

The Hon. R.D. Lawson: He has not been in office for two years. This is about evidence that was given early this week.

The Hon. P. HOLLOWAY: The shadow attorney has confirmed the fact that this issue has been around for a long time. I am sure there has been plenty of—

The Hon. R.D. Lawson: Since Monday of this week.

The Hon. P. HOLLOWAY: Yes, but the issues are essentially the same. This issue has been around for a long time. I will refer the question to the Attorney-General and bring back a response.

MARKET ACCESS PROGRAM

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about the market access program.

Leave granted.

The Hon. J.S.L. DAWKINS: The Office of Trade has recently established a market access program, or MAP, under the guidance of the Export Council. The stated aim of MAP is to support overseas trade missions and help develop the export capability of small and medium enterprises in South Australia. The Office of Trade is promoting the program as being designed to incorporate elements of previous programs into a new consolidated fund with common guidelines and procedures. However, the time lines developed for the program indicate that applicants can apply, for example, for an event in late July by 15 June, yet for an event in early July the applicant needs to apply three months before. My questions are:

1. Will the minister indicate why regional development boards and similar groups organising proposed trade missions are limited to including producers from only one commodity group for each mission?

2. Why are the time lines rigidly constrained to three-month blocks?

3. Will he also explain why funding for trade mission groups, organised by RDBs and reputable industry bodies, is made available only after the event and, indeed, after the receipt of a post-activity report?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The short answer is: accountability. Whenever government gives money to any group, one expects some measure of accountability to ensure that those funds have been expended in an appropriate way and in accordance with the objectives of the program.

The Hon. J.S.L. Dawkins: So, you don't have confidence in the bodies organising them.

The Hon. P. HOLLOWAY: It is accountability. What more does one say? There has to be some level of accountability for the expenditure of money at least to ensure that the money has been expended in an appropriate way, and I would have thought that was fairly obvious. It is not as though it is a particularly onerous task. I would have thought it standard practice across all governments—state and federal—that there be at least some measure of accountability in relation to the expenditure of those funds. The amount of money allocated

is divided over the year into three-month blocks. Of course, if one particular industry group or company eligible for the grant is unsuccessful in one block, it has the option to apply in another quarter.

The MAP program began on 1 July this year. Some interim arrangements applied in relation to missions previously undertaken by some groups, such as CITCSA. As we move into this new program, an assessment will be made by an independent body within the Export Council and it will look at how the new program functions. Recently, the commonwealth government made some announcements in relation to increasing the amount of money available under its scheme. We have not seen any details following the election, but I think there is a promise of something like $30 million extra that the commonwealth has agreed to make available. So, one hopes that will reach down into the smaller groups that the MAP program was intended to target so that we can ensure that the money in this state goes further.

We will look at the performance of the MAP program as it progresses to see whether we can make any improvements in its operation. Certainly, there are far more requests for funding under the scheme, and the number of applicants significantly exceeds the money available. I have just written to a group that has successfully achieved funding in the past week or so. I believe that the scheme is working successfully. We will certainly look at those timing operations. I have discussed that issue with officers in the Office of Trade and with a number of people outside who are familiar with this area to see whether the scheme is working as well as it might, and we will certainly continue to do that. From the evidence we have, at this stage the scheme is working well.

The Hon. J.S.L. DAWKINS: I have a supplementary question arising from the answer. In that assessment of the scheme, will the minister recommend that consideration be given to allowing missions to include members of more than one commodity group at a time?

The Hon. P. HOLLOWAY: Under the eligibility criteria there are a number of ways that this is available. It is obviously available to both individuals and groups that can put together at least six.

The Hon. J.S.L. Dawkins interjecting:

The Hon. P. HOLLOWAY: Well, the point is that, if there are more than six in one particular commodity and if there is another group that wishes to go on the same mission, they can apply separately. It does not have to be part of the same application. I do not really see the complication.

The Hon. R.I. Lucas: You have to apply twice for two separate commodities.

The Hon. P. HOLLOWAY: There has to be some rigour. The Leader of the Opposition is right. It is just a pity that, during his time in the Department of Industry and Trade, it probably had less rigour than at any time during its history. We know the rigour that applied to credit cards, given that I think there was $300 000 in one year on one credit card; that was the sort of rigour that applied. That money used on credit cards by individuals in the department would have gone an awful long way. Under this government that is exactly what will happen: the money we have will actually be used in those sorts of areas. If the honourable member cares to see me afterwards and provide me with an example of where the rules, as they exist, have disadvantaged a particular group, I would be happy to ensure it. As I said, the scheme is new; I do not claim it is perfect and, if we can improve it, I am happy to do so.

CORRECTIONAL SERVICES, RECIDIVISM

The Hon. J. GAZZOLA: I seek leave to make a brief statement before asking the Minister for Correctional Services a question about re-offending.

Leave granted.

The Hon. J. GAZZOLA: I understand that South Australia has a very low rate of recidivism compared to other states. Will the minister inform the council whether this is true, and whether there is any evidence to support this view?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank the honourable member for his question. Yes; it is true that, for the past two years in succession, South Australian Correctional Services has had the lowest return to prison rate in Australia. For those of you who may not know the full implications of this statistic and how it has been arrived at, I will explain.

Every year in its report on government services, the commonwealth government compares data that it receives from every Australian correctional jurisdiction. One of the factors measured is the return to prison rate. It has been subject to questions in this council. The return to prison rate is, arguably, one of the most important statistics collected, given that it indicates, to some degree, a measure of the effectiveness of each jurisdiction to reduce re-offending. The fact that South Australia has performed best in this area in Australia over the past two reporting periods is a credit to the staff of the department who, in a lot of cases, work unheralded; they are severely and unnecessarily criticised.

As we have seen in this chamber, it is all too easy to attack and criticise corrections staff and its managers. I hope that the public pays due heed; they do not criticise us a lot in this council, but there are days when they do. The staff have the thankless task of managing and making daily decisions about some of the most difficult and violent members of our community under the critical eye of the media, the community and members of this council and the other place.

The Hon. A.J. Redford: And the opposition.

The Hon. T.G. ROBERTS: And the opposition, as the honourable member points out. Any decision made that is unacceptable to any part of the community is generally widely reported and criticised. There seems to be a morbid fascination with those areas within the prison system. It is disappointing and it is a matter of fact that—

The PRESIDENT: Order! The accredited journalist in the gallery should be aware of the rules of taking photographs in the chamber and abide by them, otherwise he will be expelled.

The Hon. T.G. ROBERTS: Do you mean that I should point my better side to the camera—is that a part of the rules? It is disappointing that the achievements of the department rarely see the same level of reporting when there are positive aspects of corrections. I hope that, emanating from this chamber after my explanation to the honourable member's very fair question, perhaps some good stories will make their way into the popular press.

It therefore gives me great pleasure to report some of the good things that are occurring inside our correctional system. As I said, people in correctional services have a difficult job. They operate in isolation in regional areas without a lot of support from networks, but what I have found in my experience at state, national and international level is that there is a fraternity within correctional services, and even though it is a small group they tend to give each other support, and that is good to see. I note that the Hon. Angus Redford is going

around the state visiting institutions and, in a constructive way, has reported some of the issues back to me as minister. There is the odd occasion where the media slip into waiting for problems to emerge within corrections and overlook the positive side of some of the achievements within this state.

The Hon. J. GAZZOLA: I have a supplementary question. Given the answer, how does the claim that South Australia has the lowest number of parole officers per parolee impact on these rates?

The Hon. T.G. ROBERTS: Some members would have heard comments made recently in this chamber and other places regarding claims that South Australia has the lowest ratio of parole officers to parolees in Australia. These statistics are also derived from the report on government services, the same document that credits South Australia with the lowest return to prison rate in Australia. It has been argued in some cases that South Australia has fewer parole officers than other states and therefore the supervision of parolees is reduced, the community is placed at greater risk and more offending will occur.

The statistics referred to by the proponents of this argument relate to the overall ratio of staff to offenders in community corrections, not the supervision of parolees. As well as parole officers, these statistics include community service, probation, bail and home detention officers. It is therefore quite misleading to lump them all together and refer to them all as parole officers as they all serve a different role and function. I am not aware of any empirical data that has been collected anywhere in Australia that refers only to parole officers. I am advised, however, that anecdotal evidence would suggest that the case load of staff supervising persons on parole in South Australia is complementary in comparison with other states, as is the rate of successful completions of these parole orders.

In conclusion, South Australia has managed to achieve a lower number of offenders who have returned to prison in the last two years than any other jurisdiction. Contrary to the statements that have been made, this equates to a safer community. I hope that that information satisfies some of the queries and the telephone calls that I have been getting in relation to the difficult work that these officers do.

The Hon. A.J. REDFORD: I have a supplementary question. How many parolees per parole officer are there in this state?

The Hon. T.G. ROBERTS: Currently the—

The Hon. A.J. Redford interjecting:

The PRESIDENT: The Hon. Mr Redford is becoming quite annoying.

The Hon. T.G. ROBERTS: As I said in the reply, it is a matter of how you equate the categories of prisoners and community corrections, and I will get a breakdown of those figures and so be more accurate in my reply than if I give it off-the-cuff.

The Hon. A.J. REDFORD: As a further supplementary question, are these figures consistent with the fact that people committing crime in this community are currently not being caught?

The Hon. T.G. ROBERTS: This is a speculative question. There are a number of issues getting prisoners into courts.

Members interjecting:

The Hon. T.G. ROBERTS: It is not the case that they have not been caught. In many cases, they have not been sentenced. I will try to get an estimate of those figures and bring back a reply.

TAXIS

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question regarding the experience of sight-impaired people in taxicabs.

Leave granted.

The Hon. IAN GILFILLAN: A friend of mine on Kangaroo Island, Mr Peter Ellson, developed virtually complete blindness in middle age. He and a younger friend, who is totally blind, have had to rely on taxicabs, more so than people who are resident in Adelaide. However, their experience was shared with me and I found it distinctly alarming—and I am sure other members would, as well. I will refer to a couple of incidents which have occurred in the past 12 months. They called a cab and the cab driver said, 'You are not expecting me to carry the dogs, are you?' He made such a fuss that they eventually had to take another cab. Again, in the same year, they called a cab and when the driver saw the two dogs in harnesses he flatly refused to take them.

The Hon. A.J. Redford: That is illegal.

The Hon. IAN GILFILLAN: We realise that. The woman often does not indicate that she has a guide dog, as previous experience has meant she has a very long wait, and at night, understandably, that can be particularly stressful. As they tell me, the blind community or the sight-impaired community is notorious for accepting situations such as this without complaint and they just put up with it. They sent a brief list to me in writing of some of their experiences: taxi drivers refusing to take guide dogs; drivers' rudeness when they are told they have to take the dog; drivers of vacant taxis pulling away from a taxi stand when they see a guide dog user approaching; drivers accepting a job and then driving off on arrival when they discover the passenger is a guide dog user; failure to provide assistance at pick up; drivers claiming allergies to dogs; drivers claiming religious beliefs preventing their taking dogs; over-charging; and blind persons unable to verify meter readings.

The general impression is that it is not just the individual drivers themselves who should be tackled at grassroots in order to reflect the community's agreed position of care and understanding for the sight impaired. My questions are:

1. Will the minister provide details of the current training and/or inservice training for taxi drivers?

2. Will she request all taxicab companies to provide training details and instructions given to drivers in relation to carrying the sight impaired?

3. Will she ensure that the disability awareness training adequately covers the areas of distress as outlined in the details of my question?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer the question to the Minister for Transport in another place and bring back a reply.

The Hon. T.G. CAMERON: I have a supplementary question. Can we ascertain the penalties for a taxi driver's refusing to take a passenger who has a guide dog? Would the government consider reviewing those penalties if it considers that they are inadequate?

The Hon. T.G. ROBERTS: I will also refer the supplementary question to the minister.

PETROL SNIFFING

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about petrol sniffing in indigenous communities.

Leave granted.

The Hon. NICK XENOPHON: Earlier today ABC Radio's *AM* program ran a story headed 'Oil company develops unsniffable petrol', a transcript of which is now available online. The introduction to the story was as follows:

> A major oil company has developed a new kind of unleaded fuel, which, if it lives up to its claims, does not deliver any high to its users—or abusers as they're called—and does not cause brain damage, which is common to chronic sniffers. . . Social workers and medical experts working on the front line hope it could help stop the cycle of substance abuse that's crippling many Aboriginal communities.

The report by Danielle Parry states:

> In the Northern Territory alone it's estimated there are almost 400 sniffers. That number is growing at such a rate that the cost of caring for disabled users in Central Australia could hit almost $10 million within a decade. BP Australia [has developed a fuel] it hopes can reverse that trend. . . The petrol is unleaded and so won't cause the severe brain damage seen in many sniffers, but, more importantly, the manufacturer believes it's almost completely removed the chemicals that give sniffers a high.

He goes on to say that the fuel works in normal cars and the company says it has struck a deal with the federal government to subsidise the cost. Dr John Boffa from the Central Australian Aboriginal Congress has been working in indigenous health services since the late 1980s, the report says, and he says that this could be the circuit breaker that many communities desperately need. Dr Boffa is quoted as saying:

> With this new fuel, it has been suggested that really, even though it can be sniffed, it won't make sniffers high and it won't cause any damage. If that turns out to be true and it is true that there is no way to use the substance in a harmful way, that is a very welcome development.

Dr Boffa went on to say that he thought this could be crucial in interrupting patterns of addiction. My questions to the minister are:

1. Given the ABC report indicating that there are almost 400 petrol sniffers in the Northern Territory, how many are there in South Australian indigenous communities, and what survey or audit has been carried out and when to determine the number of indigenous youth sniffing petrol in our state?

2. Given that the estimated cost of caring for disabled petrol sniffers in central Australia could hit almost $10 million in a decade—I understand it is an annual cost—what is the current cost for caring for disabled users and any projected costs in the next decade if the problem is not substantially solved?

3. Is the minister aware of the new BP fuel and of any timetable for its use, and what level of cooperation is there between the commonwealth and state governments on the issue?

4. If this new fuel proves to be effective, what measures are in force or contemplated to ensure that access to petrol that is harmful to users is restricted in indigenous communities?

5. Will the minister provide details of the steps taken to implement the Coroner's findings with respect to the deaths of a number of young indigenous men—and his findings were handed down over two years ago?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his hydra-headed question. It certainly covers a wide range of issues that the government is currently wrestling with. I heard two major reports in relation to petrol sniffing in the last two days. One was the unsniffable petrol question in relation to the new product that has been put out by BP and the other was the information that has been provided around Australia, basically, in relation to the breakdown within most Aboriginal communities in the remote regions of each state in regard to either having no policies to deal with the issues of isolation, poverty, boredom and neglect or having to deal with the failed policies of the past in relation to isolation, poverty, boredom and neglect.

Petrol sniffing appears to be a manifestation of a combination of all those issues, and I think it would be far too simplistic to believe that there is a silver bullet such as an unsniffable petrol that may cure the ills of the people in the remote communities. I would like to think that that would be the case, but I suspect that if there was an unsniffable petrol that did not have the impact of dulling people's minds to their current circumstance, which is due as I have said to isolation, poverty, boredom, neglect, lack of opportunity and failed policies, they would find an alternative. I did an interview with a journalist on BBC4, I think it was, just recently and was asked the question about why petrol was a preferred drug of young Aboriginal people.

For the answer to that question you would need to ask those taking part in it, but I suspect that it is because it is cheap, it is quite readily available through the black market in large quantities, and it probably does to young Aboriginal people what it does to people who have more expensive tastes in blotting out reality with other drugs.

There is a whole range of reasons why people turn to drugs but, in many cases, it is to dull the senses or to heighten the senses to the level that individuals want. I thank the honourable member for his interest in the new petrol product. I suspect that the government will have to introduce it into areas where there is a high percentage of sniffers, but already petrol-driven cars are certainly not encouraged and, in some cases, are banned from sections of communities. The petrol pumps in some of the remote communities are locked and are able to be serviced only by MSOs, so that the availability of petrol is reduced. However, alcohol, marijuana and other drugs are taking the place of petrol when petrol is not available.

I am reliably told by people who deal with not only petrol sniffers but also people who use other drugs within remote communities (and I have seen figures from Western Australia and heard some anecdotal evidence in South Australia) that, while you can get $100 for a slab of beer (that is, 30 cans of beer or 24 stubbies) in areas where alcohol is banned, there will always be people who will run that. While activities such as giving out free introductory bags of marijuana and, in some cases, harder drugs to encourage young people to use drugs and to get hooked on them continue, it is not just the petrol sniffing that is the problem. We need to deal in a serious way with the issues of the failed policies of the past, the isolation, the poverty, the boredom, the neglect and the lack of opportunity, as well as trying to cut back on the accessibility of those drugs.

We do have a long way to go. We are starting to develop policies across agencies. We are starting to shorten the lines

for communication. This state and other states are trying to get the three tiers of government (federal, state and local) to work together to stop duplication and wastage of funds and to ensure that the results of programs to which funds are allocated in remote communities are measured. I think this will go a long way towards dealing with those issues which bring about the social climate in which people live. If we do not bring employment opportunities to those communities and if we do not deliver education services which take young kids living within those communities through until at least year 12 or SACE, they will never be able to join in the broad economic and social development within our broader communities.

Certainly, if we do not take note of what is happening now in relation to self-administration and provide the infrastructure support to build the capacity of those communities, local people will never be able to manage their own affairs. We have set ourselves targets for community building and build on the good work the education department is doing in remote regions. We have to re-establish TAFE (it was dismantled under the previous government) within those regional areas to bring about the training opportunities. Unless we put those policies in place, there will always be a market for petrol (whether or not it is sniffable) and a market for drugs of all varieties. I would hope that the honourable member will join the government in promoting policies that eliminate—

The Hon. Nick Xenophon: I won't be joining the government.

The Hon. T.G. ROBERTS: You are the only Independent who has said no thus far. I will keep the honourable member up to date with the progress that we are making and, when the standing committee reports, hopefully the honourable member will be made aware of the policies we are implementing to try to overcome some of those issues. The standing committee is looking at how the land the Aboriginal communities own can be productively used to increase the economic independence of those communities. The current policy of—

The Hon. Nick Xenophon: So you are not interested in the potential of this new fuel?

The Hon. T.G. ROBERTS: The honourable member says we are not interested. There is a wide range of issues that have to be dealt with, and I have said that the government is interested in the fuel—the same as we are interested in banning and not encouraging the use of petrol in local communities. That was a policy under the previous government and it is a policy we are continuing but, as I have said, you cannot stop petrol from being run into the communities when you get $30 a litre for it. It is the same with the introductory packages of marijuana and other hard drugs—it is very difficult when they have been run into communities. Policing then becomes the issue to reduce supply as well as change demand, and demand can be changed by offering people within those communities the hope that they can function in a society that offers opportunities.

So, we will look at the product when it is marketed, although there is usually a huge gap between an announcement and a marketable product. We will have to continue with the programs and regimes that we are running at the moment, but if all vehicles within those remote communities are already diesel-driven then it will not make a marked difference.

In relation to the honourable member's question, I am not sure just what the numbers are. I can provide the figures for two communities, but they would not make a lot of sense in relation to the overall state figures. However, in two communities around 10 per cent to 15 per cent of young people under 21 are either regular or irregular petrol sniffers. That is not large in terms of numbers, but it is large in terms of percentages of young people. I am also told that in one community 20 per cent of a certain age group—I think it was between 8 and 21—were sniffing petrol either regularly or irregularly. It is a major problem, and we have to deal with all those other questions as well as the governance questions and assisting partnerships—as I have said on many occasions—to try to deal with those problems.

ROCK LOBSTERS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Agriculture, Food and Fisheries a question on rock lobster processing.

Leave granted.

The Hon. CAROLINE SCHAEFER: I have received reports of gaps in the processing laws which are allowing black market trading of southern rock lobsters across the border into Victoria. This is lowering the net price of rock lobsters.

An honourable member: Good news for Christmas!

The Hon. CAROLINE SCHAEFER: If you live in Victoria. Minister McEwen was asked to meet urgently with members of the industry in July. I understand that the minister delegated the authority to deal with this matter to Mr Grant King of the South-East Regional Development Board. A meeting was eventually held in October—

Members interjecting:

The PRESIDENT: Order! The minister will cease to interject and others will cease to lead with their chin.

The Hon. CAROLINE SCHAEFER: A meeting was eventually held in October, and when I was in Mount Gambier I sought assurances from Mr King that a solution was being developed. He assured me that it was; however, the rock lobster season is now in full swing and processors have heard nothing from either Mr King or the minister.My questions are:

1. What is being done to rectify this problem in time to prevent the closure of processors in the region?

2. When will the industry be informed as to what action is being taken?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the minister in another place and bring back a reply.

CARNEGIE MELLON

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement relating to the heads of agreement with Carnegie Mellon made earlier today in another place by the Premier.

EMPLOYMENT

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement relating to employment figures in South Australia made earlier today in another place by the Premier.

BUSINESS, COMPETITIVE COSTS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about competitive cost disadvantage in South Australia.

Leave granted.

The Hon. A.J. REDFORD: Last Wednesday I was in Melbourne visiting some of my parliamentary colleagues.

The Hon. R.K. Sneath: I bet they were happy about that!

The Hon. A.J. REDFORD: It was met with great acclamation. While I was there, I read the Melbourne *Age*, in which I noticed a half-page advertisement encouraging business to come to Adelaide, because it is a lot cheaper to do business here. Shortly after that, the Victorian minister for WorkCover (Hon. Rob Hulls) tabled the annual report of the Victorian WorkCover authority. Unlike this government's stewardship, which sees WorkCover with a deficit of half a billion dollars, Victoria's WorkCover system is now fully funded. What caught my attention was the Hon. Rob Hulls extolling the virtues of Victoria's cheaper WorkCover system and its capacity to attract business there.

The figures on page 16 of the report show that Queensland had the lowest WorkCover levies in the nation at 1.55 per cent of total payroll, followed by Victoria at 1.998 per cent; Western Australia at 2.25 per cent; New South Wales at 2.57 per cent; and Tasmania at 2.6 per cent. The report also shows that South Australia's percentage levy was 3 per cent of its total outlay on employee wages and salaries—nearly 100 per cent dearer than that which prevails in Queensland and 50 per cent dearer than that which prevails in Victoria. My questions are:

1. How can the government advertise that South Australia is a cheaper place to do business on the same day that Victoria WorkCover decides to release figures showing that we have the dearest WorkCover system in the country?

2. What does the government propose to do to reduce the cost of business in this state?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will be pleased to show the Hon. Angus Redford the results of the KPMG survey on the costs of doing business in this state upon which those advertisements are based.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Well, we know how the honourable member's party got WorkCover down: just before the election it cut the levies to an unsustainable level. That was Liberal policy: do whatever you like for political reasons by cutting those levies.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: This government is about ensuring the sustainability of the competitiveness of this state, and the fact is that the statistics bear that out.

The Hon. A.J. REDFORD: I have a supplementary question. If the former government was negligent in reducing the premium, is this government not equally negligent in maintaining that same levy in a decision made in March 2002 by minister Wright?

The Hon. P. HOLLOWAY: I will obtain a full answer for the honourable member. What I do know is that my colleague the Minister for Industrial Relations has restructured the board of WorkCover and that that body has worked assiduously.

Members interjecting:

The Hon. P. HOLLOWAY: It has to—it is fixing another one of your messes. The minister restructured it and—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —as I understand it, that body is now getting back to health. I am sure that my colleague the Minister for Industrial Relations will be delighted to inform the honourable member of all the steps that he had to undertake in relation to WorkCover.

PETROLEUM EXPLORATION

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about petroleum exploration.

Leave granted.

The Hon. G.E. GAGO: Earlier this week, the Hon. Mr Dawkins asked a question about mining and exploration in the South-East of the state or, as he likes to call it, the Limestone Coast area. The granting of numerous exploration licences has been announced to this council during the past year. My question to the minister is: what steps is the government taking to increase petroleum exploration in the Limestone Coast region?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for her question. I am pleased to provide the answer. I can tell the council that an Adelaide-based start-up company is the successful bidder for two new multi-million dollar acreage releases in the Otway Basin. I expect Neo Oil Pty Ltd to bring new exploration strategies to the Otway Basin. I am pleased to offer Neo Oil two new petroleum exploration licences located in the onshore portion of the basin in the state's South-East, or the Limestone Coast region, if one prefers.

The winning bids for bid blocks (designated OT2004-A and OT2004-B) entail more than $7.4 million in exploration investment across the two petroleum exploration licences, of which approximately $1 million is guaranteed. In 2003, gas production from the Otway Basin was worth over $21 million. Guaranteed elements of the bid include state of the art gravity surveying of both blocks, together with geo-scientific studies in the first two years of the program. The non-guaranteed program includes four exploration wells, 70 km of seismic acquisition and further geo-scientific studies.

Re-interpretation of petroleum drilling and seismic data by PIRSA revealed that the Otway Basin's structural evolution is analogous to major hydrocarbon-bearing basins elsewhere in the world. Recent exploration successes in the Victorian sector of the onshore Otway Basin support an optimistic view of the resource potential of the area and highlight its proximity to potential markets and infrastructure. The two blocks are relatively under-explored but contain geology that corresponds to proven Otway Basin gas flows, as well as oil potential.

Gas fields currently being exploited in the onshore Otway Basin are relatively mature, so gas discoveries in the new areas will have the potential to meet existing markets. South Australia's gas and petroleum industry continues to grow in strength, and this latest acreage release is another very important step. As with all resource exploration, I wish Neo the very best of luck in its important endeavours for this state.

HOUSING, TRANSITION

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Housing, a question about funding for transition houses.

Leave granted.

The Hon. KATE REYNOLDS: It has been brought to my attention that the Migrant Women's Support and Accommodation Service is not receiving adequate support from the South Australian Housing Trust to maintain its houses. This service was established to provide safe and affordable housing for women and children from non-English speaking backgrounds, to enable them to escape domestic violence. At the service's recent annual general meeting, it was noted that essential maintenance work has to be financed substantially from resident's fees, because the low level of funding received for the service's operating costs does not reflect the real increase in costs of maintenance. The funding provided to the service fails to reflect changes in the Housing Trust's provision of repairs maintenance, which was considerably reduced in comparison to previous years.

The costs associated with garden maintenance, which were previously absorbed by the Housing Trust, have also become very difficult for the board to manage within its existing budget. In fact, the service's treasurer's report at the recent AGM noted that the level of operating funds in relation to maintenance had remained the same as it was when the service operated with only three houses; it now has 11. The service is under even more financial strain because its income is reduced as even more clients are unable to pay their residence fees because of their own lack of income. In most cases, this was primarily due to their visa status, which does not allow their clients to work or to access income support through Centrelink. My questions are:

1. Why has the level of operating funding for the Migrant Women's Support and Accommodation Service not increased in line with the expansion of its facilities?

2. Why has the South Australian Housing Trust reduced its contribution to repairs and maintenance for those facilities and why was it considerably reduced last year in comparison to previous years?

3. Will the minister act to see the funding reinstated to previous levels and also increased in line with the service's expansion?

4. What is the government doing to accommodate and support people on temporary protection visas and bridging visas who are living in South Australia?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those important questions to the minister in another place and bring back a reply.

DRUGS, TESTING

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, questions regarding the move for legal testing of illicit drugs at rave parties.

Leave granted.

The Hon. T.G. CAMERON: This week's *Sunday Mail* carried a story outlining a plan for state government officials to meet senior police before Christmas to discuss a proposal for the legal testing at rave parties of illicit drugs, principally ecstasy. Under plans backed by the Australian Drug Foundation, revellers would be able to have their drugs, including ecstasy, tested for purity by doctors before having them returned. The doctors would advise drug users whether their pills, which cost about $35 to $40 on the black market (but they can cost as much as $60), contain any deadly ingredients. A small portion of each pill would also be analysed in a laboratory later to inform researchers of the content of the tablets.

The proposal follows moves by the Victorian government to seek permission and approval from Victoria Police for such a scheme to be trialled in that state later this month. It could be seen as a first step towards legal ecstasy testing in Australia, a policy shift for the partly government-funded Australian Drug Foundation. The ADF wants to run the trials with full legal amnesty. My questions are:

1. Which state government officials have or will be involved in meeting with South Australia Police to discuss legal testing of illicit drugs at rave parties?

2. Will the government allow such a trial to go ahead if the police object?

3. What are the legal issues and ethics of doctors handing back drugs they have tested and found to contain dangerous and possibly life-threatening ingredients?

4. Will doctors involved in such trials be given full legal amnesty?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): The honourable member has raised some difficulties that might emerge if that policy is developed. I will refer those important questions to the minister responsible and bring back a reply.

ACCESS CABS

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question regarding Access Cabs.

Leave granted.

The Hon. J.M.A. LENSINK: Mr President, I can assure you that I have not been conspiring with the Democrats on this issue, but it has come to my attention—

The Hon. Ian Gilfillan interjecting:

The Hon. J.M.A. LENSINK: No conspiracies, not on this side. This has come to my attention via a constituent whose grandmother is a resident of the Charles Young Residential Care Centre at Morphettville. This constituent's grandmother is 93 years of age, and I will be happy to provide her details to the government if it is interested in her plight.

On 20 October this year, she was prebooked with an Access Cab to attend a specialist appointment. The Access Cab did not turn up and, on calling Access Cabs, the response on the other end of the phone was, 'There aren't any available and in spite of the fact it has been prebooked that is just too bad, you have to rebook it.' My constituent, having spoken to the staff at the nursing home, says that they report that incidents of cabs not showing up are becoming more prevalent and that this is a well-known situation with other residential care facilities, as well. A theory has been propounded that, particularly around 3 p.m. or 3.30 p.m., prebooked Access Cabs are diverted to pick up children with disabilities from school; therefore, there are not enough cabs to pick up elderly people from nursing homes. My questions are:

1. In relation to this incident and similar incidents, are Access Cabs in breach of their service agreements?

2. What are the measures of service?

3. How are the service obligations monitored and what penalties applied?

4. Has there been any policy directive, either within the Department of Transport from the minister or within Access Cabs, that priority should be given to any particular group, whether that be younger people with disabilities—

The Hon. R.K. Sneath interjecting:

The Hon. J.M.A. LENSINK: That's what you're here for: you're the government. This is what we do: we ask questions. I am indebted to the Hon. Mr Sneath, who does not understand the role of members in this council. I will continue with the questions:

5. Given that in this incident the lady in question was booked to see a specialist, is the government concerned that it is potentially endangering lives in that medical conditions from which people may be suffering may not be detected?

6. What strategies does Access Cabs have to manage situations of peak demand?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer the questions to the Minister for Transport. I think it is obvious that the minister will be able to answer the question only if she has details of the specific case. Clearly, a number of circumstances may apply. As I understand it, Access Cabs is operated by a non-government organisation. But, if the honourable member provides the information of the case to me, I will refer it to the minister; or, if she provides it directly to the Minister for Transport, I am sure that will assist in getting a speedy reply.

COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 444.)

The Hon. KATE REYNOLDS: The Democrats agree with Justice Mullighan that it is essential that potential witnesses who are alleged victims and who wish to maintain confidentiality should not be deterred from making submissions or providing information to the inquiry. We accept that people will come forward to this inquiry for a variety of reasons. We also accept that not everyone will want to endure the hardship and pain caused by criminal investigation and prosecution. Some people will simply want to tell their story and focus on the alleged failure of authorities to act appropriately, rather than on the conduct of the alleged perpetrator.

The Democrats will be supporting this bill, which proposes to amend the act to give the commissioner undertaking the inquiry the discretion to accede to a request from an alleged victim of a sexual offence not to have his or her allegations referred to the police for investigation if the commissioner believes it is in the public interest to do so. I have prepared an amendment that has been circulated so I will reserve my other comments for the committee stage.

The Hon. T.G. CAMERON: I indicate my support for the second reading.

The Hon. T.G. ROBERTS (Minister for Correctional Services): I thank members for their contributions. I hope that the bill gets speedy passage and that it is enacted as soon as humanly possible.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. KATE REYNOLDS: I move:

Page 3, after line 5—
Insert:
(2) Schedule 1, clause 2(1)—after paragraph (b) insert:
(c) any other conduct which resulted in a person who, at the time that the alleged conduct occurred, was a child in state care suffering physical abuse or mental trauma,
(3) Schedule 1, clause 2(2)(d)—after 'sexual' insert:
, physical or mental

I urge all members to support this amendment. My comments on the original bill to establish the commission of inquiry make it plain that we support a high level inquiry into the extent of the abuse of wards of the state in South Australia, and so we will support this bill to deal with issues that were not adequately addressed in the original bill. However, members will also remember that, at the time we debated the original bill, the Democrats sought to extend the terms of reference to include physical and psychological abuse, on the basis that, where sexual abuse was allowed to occur, it was inevitable that other forms of abuse, with equally devastating and long lasting consequences, were allowed to occur. At that time, the government and the opposition combined forces to vote down my amendment.

Since that time, the Senate Community Affairs References Committee released its report 'Forgotten Australians', which was a report on Australians who experienced institutional or out-of-home care as children. That report was released in August 2004. I will refer to that report to highlight how important it is that we take this opportunity to enable those people who experienced abuse while they were wards of the state in South Australia not only to have their stories told but to have those experiences heard, acknowledged and responded to by this commission, which is really in all but name a royal commission.

However, before I do that, I note with some disappointment that the South Australian government did not even make a submission to the Senate Community Affairs References Committee inquiry, despite having an extensive body of knowledge already available to it about the depth and breadth of sexual, physical and psychological abuse within state and church institutions and care systems. I also remind members that last month I asked the Minister for Families and Communities whether he would respond to the second recommendation of the senate inquiry, which recommended that all state governments issue a formal statement acknowledging their role in the administration of institutional care arrangements and apologise for the physical, psychological and social harm caused to children, and the hurt and distress suffered by children at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.

The senate committee's report quite plainly acknowledges that the abuse of children in care was not restricted to sexual abuse. The executive summary of the report says:

The committee received hundreds of graphic and disturbing accounts about the treatment and care experienced by children in out-of-home care. Many care leavers showed immense courage in putting

intensely personal life stories on the public record. Their stories outlined a litany of emotional, physical and sexual abuse—

I will repeat that for any members who might not have been listening—'emotional, physical and sexual abuse'—

and often criminal physical and sexual assaults. Their stories also told of neglect, humiliation, deprivation of food, education and health care. Such abuse and assault was widespread across institutions, across states and across the government, religious and other care providers. . . The legacy of their childhood experiences for far too many has been low self-esteem, lack of confidence, depression, fear and distrust, anger, shame, guilt, obsessiveness, social anxieties, phobias and recurring nightmares. Many care leavers have tried to block the pain of their past by resorting to substance abuse through lifelong alcohol and drug addictions. Many turn to illegal practices such as prostitution or more serious law-breaking offences which have resulted in a large percentage of the prison population being care leavers. . . The committee considers that there has been wide scale, unsafe, improper and unlawful care of children, a failure of duty of care, and serious and repeated breaches of statutory obligations.

These are very serious comments, and I will continue to refer to the report because I think it provides a very valuable argument as to why these terms of reference need to be extended. Chapter 4, titled Treatment and Care of Children in Institutions, says in section 4.1:

The highly evocative and emotive language that is constantly repeated through the submissions and evidence received from across Australia [and I think something like 400 submissions were made to this committee] is testimony to the nature of the treatment of children in institutions over many decades. Language such as 'my sentence, concentration camp, prison, hellhole, felt like a convict, entombed in institutions, inmates, incarcerated, internship, tortured, nightmare, release, outside world, victims and survivors' graphically describe the feelings that remain about the treatment received at an early age of their lives.

Section 4.15 says:

The impact on an impressionable child of being constantly told they were good for nothing, would amount to nothing, were evil, were the devil's child, were worthless, were scum of the earth and not fit for normal society, were a nobody, were not wanted by their mother or anybody else, were sluts, whores and prostitutes, had come from the gutter and would end in the gutter cannot be overemphasised. It is little wonder that such abuse and negative reinforcement destroyed the self-esteem of so many who have remained scarred through their adult lives.

Section 4.16 says:

The loss of childhood, of having what would be regarded as a normal childhood taken away, was poignantly described in many submissions. For many there was no time for childhood play with daily life so structured and regimented.

Section 4.17 says:

The most fundamental need for the emotinal development of a young child is to be shown love and affection, to be nurtured and wanted. The lack of these essential human qualities was pervasive in institutions and was commented on or referred to in literally every submission and story. Growing up and developing as a person without receiving love and affection has possibly been the single most influential and tragic legacy of life in institutional care for every care leaver.

Section 4.19 says:

It was common practice in many institutions to give each child an identification number which they kept throughout their time at that particular place. No-one was referred to by name. Usually it was 'you' or your number was called out.

I am quoting at some length from sections of this 410-page report because it presents the argument that we cannot afford to pretend that the sort of environment which allows sexual abuse of children to flourish was somehow separate from the sort of environment which allowed widespread physical and psychological abuse to flourish. Section 4.40 discusses what it calls secondary abuse, as follows:

Many people referred in submissions to their abuse in institutions as a form of secondary or systemic abuse. Children were taken from their parents who, it was claimed, could not adequately support or maintain them. The implication was that 'welfare' would be able to provide the care and opportunity that the parents were unable to provide.

So the report asks:

How could it be that for many of these children the abuse perpetrated upon them whilst in care in the institutions was far greater than that committed by their parents? To many this is seen as a failure of 'government' to monitor their needs and well-being during the time they were in care.

Section 4.42 discusses discipline and physical assault, and I will just read a very short part, as follows:

Many of the severe beatings handed out as punishment went way beyond the sort of corporal punishment which was acceptable at the time. They often took the form of extremely severe physical violence—what can only be described as criminal assault.

I know that a number of members here felt unable, some months ago, to support my amendment because they were concerned that what was acceptable at the time meant that there was some kind of defence for what occurred to children who were wards of the state. This committee's report makes it quite plain that what occurred to many of these people was not only well and truly beyond what was acceptable according to community standards but was also well and truly beyond what was acceptable according to law. Each of these sections is supported by the stories of people who survived these experiences, and they are experiences that can no longer be denied, hidden or ignored by governments, churches, communities, decision-makers or community leaders, such as ourselves. I now read from chapter 5 of the report entitled 'Why abuse occurred,' and—

The CHAIRMAN: Order! I anticipate that a point of order may be raised that the honourable member should confine herself to the bill. At the second reading stage, the member was afforded the opportunity to expand her argument. She has quoted from six or seven different sections of a report not before the committee. We have had a number of instances in the chamber where I have insisted that members confine their remarks to the clause and to the matters before the committee. I point out to the honourable member that she should talk to the clause at this stage. The committee has been exceedingly generous in allowing her to do what she should have done in her second reading contribution. So, if the honourable member confines her remarks to the clause, sum up and convince the committee of the worth of this amendment, that would be most helpful.

The Hon. KATE REYNOLDS: I thank you, Mr Chairman for your direction. I thought that I was confining my remarks to the clause, but I take your advice and thank you. Given that I cannot proceed with drawing members' attention to some of the very specific arguments in this report on why we should widen the terms of reference, with your indulgence I will read one sentence from this chapter, as follows:

When faced with graphic descriptions of abuse and assault it is difficult to conceive that such actions were able to continue unchecked and unpunished. It is also apparent that abuse continued for many years: it was not an isolated, one-off occurrence, rather it was endemic in some institutions over long periods of time.

Again, I draw members' attention to the fact that this report talks about abuse in all forms; it does not confine itself, as the bill and the act do. It does not confine itself to sexual abuse or the death of wards of the state. It suggests that all forms of abuse occurred over many years to many children who

were wards of the state, some of whom went on to suffer a lifetime of distress as a result of the harm they experienced. That harm was not confined to sexual abuse or, as we would prefer to call it, sexual assault. The commission of inquiry is a very welcome step towards understanding what we need to do, and it provides a very valuable opportunity to bring evidence-based, considered and positive recommendations to the South Australian parliament about how we all can move forward.

In closing, if we do not take this opportunity—that is, the last opportunity before the commissioner begins to take evidence—to widen the terms of reference to include all forms of abuse that we all now know occurred, I think we will regret it. In our view, anything other than supporting this amendment means that we are still saying that, unless a child who was a ward of the state and one of the minister's children was sexually abused, or unless someone died, the commission and the parliament do not want to know about it. I urge all honourable members to support the amendment.

The Hon. T.G. CAMERON: I rise to support the carriage of this piece of legislation, principally for the reasons that were so eloquently outlined by the Hon. Kate Reynolds. It is always pleasing to see a member of this place who feels passionate about something and, on this occasion, that passion is balanced with reason, which is often a rare commodity in this place. I also support the amendment standing in the name of the Hon. Kate Reynolds, but I would like to know exactly how it fits into the bill. I did raise the matter with the Hon. Kate Reynolds, and she told me that her amendment follows on directly after the last line on page 3—children's welfare and public relief board. I am a bit confused because, if you go to part 3 of the schedule, if all of that is going to be tagged on to the end of the clause 5 amendment to schedule 1, I have a bit of a problem when I get down to subclause (3) which provides, 'Schedule 1. Clause 2(2)(d) after 'sexual', insert 'physical or mental'.' I am trying to work out how we can insert the word 'sexual' if all we are doing is adding her amendment to the end of clause 5. There is something there that either I am not seeing or does not make sense.

The Hon. KATE REYNOLDS: Not being an expert in juggling these things, and without the benefit of parliamentary counsel at the moment, my understanding is that this amendment does two things. First, the amendment to schedule 1, clause 2(1) will allow the commissioner to include physical abuse and mental trauma as matters into which the commissioner can inquire. The amendment to schedule 1, clause 2(2)(d) inserting 'physical or mental' will mean that the commissioner can then make recommendations about what action should or could have been taken to provide support and assistance to victims of abuse, and so on. It is simply carrying that wider term of reference through to the other parts of the bill.

The Hon. T.G. CAMERON: I understand perfectly what the honourable member is attempting do in her amendment; that is not my query. I support her attempts with subclause (3) to include the words 'physical or mental'. I am nearly 60, and I can recall being told some terrible stories of physical beatings by young lads going back 45 years now. It was quite common in state orphanages to—excuse my language—get the living shit belted out of them; and they did. That is not my query; perhaps I can rephrase it a different way. Where is the word 'sexual' in the bill? I think I am at fault here, not you.

The CHAIRMAN: He has the wrong act in front of him.

The Hon. KATE REYNOLDS: If you go to the schedule of the act—

The Hon. T.G. Cameron interjecting:

The Hon. KATE REYNOLDS: No. I have a copy here, if you would like to have a look at it.

The Hon. T.G. CAMERON: I can now understand why I cannot find somewhere to insert it; I do not have the appropriate documents before me. That being the case, I would briefly weigh in to support the Hon. Kate Reynolds in her attempts to insert 'physical or mental' abuse. Quite clearly, if all the commission of inquiry looks into is sexual abuse, then it is a limited inquiry, tantamount, in my opinion, to a cover-up. The only way that we are going to get a proper airing of what transpired during this period is to include the words 'physical or mental'. I do not wish to delve into sexual psychology, but there is an interrelationship between the words sexual and physical and in my opinion this will not be a decent inquiry unless it inquires into the physical and mental abuse that occurred as well, and I urge all members to support the amendment.

The Hon. A.L. EVANS: I would like to support the amendment. This is probably a once in a lifetime opportunity to bring healing to people who have been hurting for many years, and I think it should be as wide as possible so that we as a state and government can say to these people, 'Look, we have heard your cry. It happened so long ago and it has destroyed so many of your lives, and we want the opportunity to bring healing to you.' They may not want compensation; most times they do not. Most times they just want to know that they have been wronged and they have been able to face the perpetrators of these issues and find some peace. So I totally support the amendment.

The Hon. NICK XENOPHON: I indicate that I support the amendment, essentially for the reasons that I outlined when this matter was before the committee on the previous occasion. If we are going to have this commission of inquiry, let us do it properly, let us not squib on ensuring that any systematic abuse is not unearthed or the subject of this inquiry.

The Hon. R.D. LAWSON: I wish to make a contribution on this but I would first like to hear the government's attitude to the amendment.

The Hon. T.G. ROBERTS: The policy issue that we are discussing is a vexed one and I understand the way in which honourable members have framed their support. When the inquiry is taking evidence, no-one is going to reject any evidence that is given based on the criteria that have been spelt out in the Senate report—

The Hon. T.G. Cameron: It must be a direction to the commissioner. He won't take much notice of what you say here.

The Hon. T.G. ROBERTS: The government has carefully considered the position. When parliament passed the principal legislation on 4 May, careful consideration was given to the terms of reference and the government does not see any need to change the conditions so soon. The proposal would greatly increase the scope of the task and delay the inquiry. These delays would adversely impact on victims of sexual abuse who have had to wait so long already to tell their stories. It could slow down the taking of evidence that will enable the commission to do its work.

Having sat on a select committee on child sexual and physical abuse in the early 1990s, I know that the stories and the evidence that people gave crossed a myriad issues, and the Hon. Kate Reynolds referred to some of them in her

description of the Senate's views in relation to the issues that need to be examined. While people are giving evidence, all of these issues will be aired and there is nothing to stop a witness who is giving evidence on the terms of reference to give added detail. I can't see that—

The Hon. Kate Reynolds: Can the commission report on those, though?

The Hon. T.G. ROBERTS: The important thing is to get the commission started and then the evidence and the detail will follow. It is not unknown for commissions of inquiry to spawn other inquiries if the weight of evidence and opinion believes that there should be an extension or there should be some fresh inquiry.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: At least a line has been drawn in the sand, and it is the government's intention to go ahead with it. Why do we not get it off the ground as soon as possible and start taking evidence to see which direction the evidence takes us?

The Hon. T.G. CAMERON: I take issue with the minister on a couple of points he just made. First, to stand up in this place and mount the argument that he just made, which was a contradictory argument, disappoints me. The minister stands in this place and argues, 'We are not prepared to support this amendment to include physical or mental abuse', primarily for two reasons. The first reason proffered was that it will slow down the proceedings. Some of these people have been waiting 40 or 50 years for justice, for finality, for closure on this issue. I do not think there would be one complaint from the hundreds of people who might want to give evidence on this issue if the words 'physical or mental' were included. It seems to me that the minister is arguing that victims will complain if we do this because it will slow down proceedings. That was the first part of the minister's argument.

The second part of the minister's argument was, 'Perhaps we do not need to include the words "physical and mental" because the victims will be able to give that evidence anyway; so why do we need it?' They do not sit that well together. I can assure members that being belted with a cane across the backside 20 or 30 times can be a lot more painful than some forms of sexual abuse. If the minister is saying that the commissioner will be able to take evidence in relation to physical and/or mental abuse or trauma, why not support the amendment and let us get on with it?

The Hon. R.D. LAWSON: We on the Liberal side have a good deal of sympathy for the amendment proposed by the Hon. Kate Reynolds. However, it is worth repeating very briefly some of the background history. For more than a year now, the Liberal Party and, in particular, the Leader of the Opposition, have been pressing the government for the establishment of a royal commission into allegations of sexual abuse against children in state care. Over very many months members of the Liberal Party—as have other members, I am sure—received countless reports and stories of sexual abuse occurring in state institutions and abuse of persons who were in state care. We believed strongly that a royal commission was appropriate, and we believe strongly that one should have been established many months ago. The government refused for months and had to be dragged kicking and screaming to the position where a commission of inquiry would be established.

In the most perfect of all worlds, the terms of reference of this commission would be wide enough to enable it to examine physical and psychological harm, as well as sexual abuse and criminal conduct. However, perfection is the enemy of progress. If this matter is to be progressed, a discrete section of the very many complaints that exist in the community must be excised and the microscope put to them. We fear that, if the net is cast too wide and the focus is too broad, this inquiry simply will never get to the bottom of these issues.

Accordingly, we were convinced in our negotiations with the government that it would be appropriate to agree to something that was less than we had been asking for. As much as we wanted to receive all our wishes, we agreed to the proposition that the investigating commissioner would not have to be someone from outside this state. We made a number of compromises in order to ensure that a proper commission was established with proper tools.

The Hon. T.G. Cameron: It looks like you have failed!

The Hon. R.D. LAWSON: We certainly do not rule out the possibility of a wider inquiry in due course. We believe that this commissioner on these terms of reference, as limited as they might appear, will have sufficient power and scope to report appropriately on the matters the commission is required to investigate; that is, primarily to report on whether there was a failure on the part of the state to deal appropriately or adequately with matters which give rise to the allegations—and there are many of them; and will give Justice Mullighan as commissioner sufficient power and authority to produce a report which will be of benefit not only to the victims of these assaults but also to the community generally, and which will also point the way to the future.

We do not wish to see this inquiry undermined by having its focus so diffuse that it simply does not produce a report which addresses the very real needs which exist. It is for that reason that we will not be supporting widening the terms of reference at this stage. If during the course of his inquiry Justice Mullighan indicates that he hears evidence which warrants an extension of the terms of reference, we will be the first to support any such amendment. I am sure those who have spoken in support of the Hon. Kate Reynolds' amendment will also support us in that direction. Accordingly, whilst we support this bill and the government's amendments, we are unable at this stage to support the amendment proposed.

The Hon. KATE REYNOLDS: I would like to thank all members for their comments, and in particular I thank the Hons Nick Xenophon, Andrew Evans and Terry Cameron for indicating that they will support the amendment. I would like to make a couple of comments in response to the government and the opposition's comments. My understanding is that the commission will formally open on 6 December, which would be a Monday. That is less than a month away, so this is not going to slow down the establishment of the commission, as some people have suggested.

It may mean that the commissioner takes a little longer to complete his report, but I think that some members here and some members of the government are still labouring under the misapprehension that this will be done quickly; that in nine or 12 months the commissioner will have completed taking evidence and will have a report so that this government, this parliament, can put a tick against this saying, 'Yes, we have dealt with the issue of child sexual abuse of wards of the state; let us now move on'. It is not going to be like that. This will take years. These issues are going to come out. The minister has said that the commissioner will hear those stories anyway. That is all well and good.

These people are going to be so passionate because of what they have been through that, yes, they will tell the commissioner. But the question I put to the government and the opposition is: what will the commissioner be able to do about it? Frankly, I am not satisfied with the answer. I think the Hon. Andrew Evans hit the nail on the head when he said that this is a once in a lifetime opportunity, a phrase that I think I used in my speeches when we discussed this issue previously. This is for many people the only time that they will get a chance to have put on the public record not necessarily the gory details but their stories of abuse—physical and mental trauma as well as sexual abuse for some people—while they were in the care of the state.

They will not get that opportunity again. Some of these people simply will not live long enough to have those issues dealt with, so I am incredibly disappointed that neither the government nor the opposition is willing to show them that respect or care even now. It was bad enough that these people lacked care, supervision and protection in the past, and now they are being denied the opportunity again. The minister said that he was on a select committee back in the 1990s and he heard some of these stories. I find it very disturbing that the government is not able to support this when the minister would have had some first-hand experience of what people go through. I will just make one more remark and then I will shut up before I am unable to control my language.

The Hon. T.G. Cameron: The President will do that for you.

The Hon. KATE REYNOLDS: Yes, I am sure that he will manage my language! I think it really important that, before this goes to a vote, members understand that this abuse, this physical, psychological as well as sexual abuse, was able to thrive not just in institutional care but in other forms of out-of-home care that this state was responsible for, because there was for decades and decades—and some people would say there still is in some systems—a culture of silence, of power and of personal control. I think that some of the people who come forward to the commissioner to give their evidence, to tell their stories, will be very distressed that the terms of reference do not allow them to properly have those stories addressed by the commissioner in his report.

Like the Hon. Robert Lawson, we will certainly support any amendment that might come back in the future if the commissioner recommends that the government do that, but I have to say that, given that we went through this some months ago and are having this debate again now, I think the commissioner can see that the very clear message from both the government and the opposition is, as I said previously, that, unless a child who was a ward of the state, one of the minister's children, was sexually abused or died, the commission and the parliament, based on the comments that members have made in their last contributions, do not officially want to know about it. Unofficially, yes, they will acknowledge that it occurred, but officially they do not want to know about it. I find that incredibly disappointing, and I thank again those members who are going to support the amendment and urge those who have not yet indicated their support that it is not too late to change their mind.

The Hon. T.G. CAMERON: The Hon. Kate Reynolds can count, as I can, so there is not much point in pursuing this matter further, except that I have a couple of comments I would like to make. I am encouraged by the minister's answer to questions that I raised concerning the boundaries, if any, between sexual and physical abuse and his response that he felt quite confident that, if witnesses wanted to give evidence in relation to physical abuse, that evidence would probably be taken. Hopefully, whoever the commissioner of this inquiry is we can forward him a copy of this debate—I guess I know who we can rely upon to do that—so that the commissioner himself can see quite clearly that there are a number of members of this chamber concerned about this issue of physical abuse, and perhaps he could be encouraged to read the minister's response to the questions that I put to him if he is in any doubt as to whether or not he should accept the evidence.

I turn now to a position put forward by the Hon. Rob Lawson, which I must say I found disappointing. I have often marvelled at the Hon. Rob Lawson's use of the English language to extricate himself from a difficult position—

The Hon. Sandra Kanck interjecting:

The Hon. T.G. CAMERON: He is not only a lawyer, he is a QC—and from what I understand, a pretty good one. One thing I have come to admire about the Hon. Rob Lawson is his capacity to turn a sow's ear into a silk purse with just a few sentences. However, to hear the Hon. Rob Lawson put forward as the main reason why the opposition is not prepared to support the amendment of the Hon. Kate Reynolds (and I think I have written it down correctly) 'is that we were concerned'—and these are the words on which I want to focus—'that it would be undermined by being so diffuse'. If I have ever heard a QC's answer as to how to get out of a difficult position, that was it.

In the same answer, the Hon. Rob Lawson also outlined how they had hounded and harried the government. One could almost be forgiven for thinking that he was claiming responsibility on behalf of the Liberal Party for having the commission of inquiry set up. The fact is that the Liberal Party wanted a royal commission: it was knocked off on that. The position seems to be, 'Oh, well, we couldn't get a royal commission; we have to get something, so we will accept this.' If the Hon. Rob Lawson is correct—and I dispute it—the position of the Liberal Party is, 'We are not prepared to support the amendment of the Hon. Kate Reynolds because we feel that the commission of inquiry would be undermined by being so diffuse.' I put it to the Hon. Rob Lawson that by not being prepared to support the amendment of the Hon. Kate Reynolds, in effect, he is being diffuse; and his actions in not supporting the amendment will probably do more to undermine the inquiry than anything else I have seen.

The committee divided on the amendment:

AYES (6)

Cameron, T. G.	Evans, A. L.
Gilfillan, I.	Kanck, S. M.
Reynolds, K. (teller)	Xenophon, N.

NOES (12)

Dawkins, J. S. L.	Gago, G. E.
Gazzola, J.	Holloway, P.
Lawson, R. D.	Lensink, J. M. A.
Redford, A. J.	Ridgway, D. W.
Roberts, T. G. (teller)	Schaefer, C. V.
Sneath, R. K.	Zollo, C.

Majority of 6 for the noes.

Amendment thus negatived; clause passed.

Title passed.

Bill reported without amendment; committee's report adopted.

The Hon. NICK XENOPHON: I move:

That the bill be recommitted in respect of clause 5.

The council divided on the motion:

AYES (12)

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

NOES (6)

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

Majority of 6 for the ayes.

Motion thus carried.

Bill recommitted.

Clause 5.

The Hon. NICK XENOPHON: I move:

Page 3, after line 5—Insert:
(2) Schedule 1, clause 2(1)(6)—After 'death of' insert:
, or endangered the life of,

My preferred position has always been that of the amendment moved by the Hon. Kate Reynolds. This amendment is a fall-back position and is much narrower than that moved by the Hon. Kate Reynolds, but it is somewhat broader in that it includes instances when life has been endangered. Section 29 of the Criminal Law Consolidation Act defines this offence, as follows:

(1) Where a person, without lawful excuse, does an act or makes an omission—
(a) knowing that the act or omission is likely to endanger the life of another; and
(b) intending to endanger the life the of another or being recklessly indifferent as to whether the life of another is endangered,
that person shall be guilty of an indictable offence and liable to be imprisoned for a term not exceeding 15 years.

This section is still relatively narrow but, where a person has, for example, been seriously injured to the extent that their life has been endangered (and we are talking about something that obviously is short of death but indicates a very serious degree of conduct), at least this inquiry will cover those instances. Again, this is a fall-back position. Effectively, if a person is beaten to within an inch of their life, at least they will be covered by this amendment. If this is not passed, those beaten to within an inch of their life will not have the right to appear before this inquiry.

The CHAIRMAN: I bring this matter to the attention of the committee. At the committee stage, a propensity has been developing for some time whereby some members, against the normal practices of the committee, have been submitting a number of different amendments; that is, if one amendment is not carried, then another is moved. I will rule on that issue at some stage. My interpretation of the amendment proposed by the Hon. Mr Xenophon is that it is almost the same as that moved by the Hon. Ms Reynolds, because it states 'endangered life by beating or physical abuse', and that amendment was dispensed with the by committee.

At this stage, the council has recommitted the bill, and the Hon. Mr Xenophon has moved his amendment. It is not exactly the same as that of the Hon. Ms Reynolds, but it is very close to it and comes in at exactly the same spot. It does not say 'physical abuse' or 'mental trauma', which it omits, but the honourable member has already mentioned in his explanation that he is talking about physical abuse. The committee will make its own determination on that, but I flag to the committee a practice that is being introduced into the committee, and it is not normal procedure. I know that it has happened before, but very soon I will have to make a ruling as it is against the constitution, practice and procedures of the parliament. On this occasion I will allow the honourable member to continue, but I ask him to take what I am saying into consideration.

The Hon. NICK XENOPHON: I appreciate your comments, Mr Chairman. When introducing this amendment, I did not explain sufficiently the distinction. The criminal law in this state already has a specific offence of endangering life. It is not about assault, trauma or beating someone: it goes way beyond that to actually endangering a person's life. It is in the statute book. It is a relatively narrow offence, but it is a serious offence nonetheless. My intention was not to duplicate the amendment of the Hon. Kate Reynolds but instead to put a much narrower alternative that is within the scope of the existing criminal law. In the criminal law, there is a big difference between endangering life and physical abuse or assault. It is a distinctly different concept.

The Hon. T.G. CAMERON: I am pleased that I deferred to the Hon. Nick Xenophon on this occasion, because I was going to make some similar comments. I am just a layperson and he is a lawyer, so not only will people be more impressed and take more notice of him because he is a lawyer but also they will think he knows what he is talking about. The point he makes should be taken on board by members of this committee. I take the Chairman's comments on board, and I appreciate that they were directed at practices in this place.

I am certain that his comment that the Hon. Nick Xenophon's amendment is nearly the same as the Hon. Kate Reynolds' amendment was made in the context of procedures, rather than any attempt to influence the course of this debate. In that context, I would take some issue with the chair's comments, not in relation to what he was intending to do but to state quite clearly—and I can do this now, because the Hon. Nick Xenophon has explained it far better than I would be able to—that there is a clearly established definition in the statute book—that was my understanding—for what 'endangered' means. It means what it says: it has to involve actions which actually endanger the life of an individual. I see quite a difference between the amendments moved by the Hon. Nick Xenophon and the Hon. Kate Reynolds; that is, physical abuse to the point where you have endangered someone's life is quite different to what the term 'physical abuse' on its own might be.

I also emphasise the comment made by the Hon. Nick Xenophon that the significant difference between his and the Hon. Kate Reynolds' amendment is that he is seeking to broaden the terms of reference only marginally. Whereas I could accept the Hon. Rob Lawson's argument that the Hon. Kate Reynolds' amendment might be so diffuse as to undermine the credibility of the commission, what has persuaded me to support the Hon. Nick Xenophon's amendment is quite clearly that the amendment that he is moving is not diffuse and will not undermine the inquiry.

The Hon. KATE REYNOLDS: I will make a brief contribution. I think it is important that members understand the difference between abuse and assault, and endangering life and death. The act as it stands allows the commissioner to inquire into situations where somebody was sexually abused. I think I made some comments in my earlier contribution some months ago about the use of the term 'abuse' and how that might actually stand in law but, nonetheless, the term is 'sexual abuse', and the commissioner can currently

inquire into situations where a ward of the state died. My amendment sought to broaden the terms to allow physical and psychological abuse to be considered by the commissioner, but endangering life is different again. We could think of this along a continuum where we have sexual, psychological and physical abuse, then moving towards endangering life, and then at the extreme end we have death.

I will certainly be supporting the amendment put forward by the Hon. Nick Xenophon to allow the commissioner to inquire into situations where life was endangered. I will support any attempt to widen the terms of reference to reflect the range of experiences that we know were had by wards of the state in South Australia. I place on the record my thanks to the Hon. Nick Xenophon for bringing this amendment forward. I do not expect that it is going to get wide support, but I think it is very important that we show that every single attempt was made.

The Hon. R.D. LAWSON: I indicate that Liberal members will not be supporting the amendment proposed by the Hon. Nick Xenophon. That is not to say, of course, that we do not have every sympathy for anyone who is the victim of criminal conduct of this kind. However, as I mentioned in my contribution on the amendment moved earlier by the Hon. Kate Reynolds, we believe that focused terms of reference will yield the best and most effective result for this inquiry. Notwithstanding that, if in the course of this inquiry matters such as the endangering of life in the connection with—and perhaps not even in connection with—sexual abuse arise, I have every confidence that the commissioner will draw that matter to the attention of th parliament. The parliament will have an opportunity at that stage to decide whether or not it is appropriate to have yet another, also focused, inquiry to determine those issues. We want to see finality on this. We do not think that we are, in fact, serving the interest of those very many victims of sexual abuse who have come forward by saying, 'Your inquiry is going to be delayed, because we are going to look into not only your stories but also every other story that is around.'

The Hon. T.G. ROBERTS: There have been agreed terms of reference, I think, discussed and debated in the original debate. That is why I was a bit disappointed to see the recommittal, but every member has a right to do that. I think all of the—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: We have had the debate twice before. I think the horrors of individuals' lives will be drawn out in the evidence when the commission of inquiry takes place. The commissioner has everybody's full confidence. For those people who know the commissioner, as do I and many others in the chamber, he will not allow important issues associated with abuse to be hidden or glossed over. Mr Chairman, it is almost a vote of no confidence in the chair to have to consider amendments like these. I suspect that, once the bill is enacted and the taking of evidence commences, there will not be demarcation lines between legal interpretations of what is and what is not. There will be people giving their stories—

The Hon. T.G. Cameron: Will lawyers be able to appear before the commission?

The Hon. T.G. ROBERTS: If some of the amendments got up, there is quite a possibility that legal counsel would have to be provided to make a definition about the evidence that was being given and there would be a cut-off point. We do not want to go down that path. We want individuals to be able to front the commission and talk to a commissioner who is sympathetic. We have appointed a commissioner who everybody agrees is one of the best in this state and probably one of the best in Australia. I have not heard a word of criticism against the commissioner and I have full confidence that he will hear all the stories as they are told. I cannot see him overruling anyone in relation to the evidence that they give to get their stories told in line with the intentions of the commission. The outcome will be to get to the bottom of a whole range of abuses that took place. As the Hon. Robert Lawson said, we want to start doing that as soon as possible so that we know what we are dealing with and, if anything else grows out of that, so be it.

The Hon. KATE REYNOLDS: I have to respond to the minister's comments. He said that legal interpretations will not be put on these things or demarcation lines formed. I am not a lawyer. Like the Hon. Terry Cameron, I am a lay person, and sometimes I am quite pleased that I am not a lawyer. However, this is a judicial inquiry, so of course legal interpretations will be put on certain things. I have not been in parliament very long—I think it is about 18 months—but I thought the reason we set terms of reference for inquiries was so that people were very clear about the matter being inquired into and about matters that were not to be inquired into and were not the parliament's intention, want or desire.

Whilst I can say that I have every confidence that Justice Mullighan will do his very best to have as many of those stories and experiences put on the record as he can, because I understand that he will have a personal understanding of the breadth of these issues and the further damage that might occur if people are restricted, nonetheless he will be confined by the enabling legislation. I hope that we are back here in a few months with a recommendation from Justice Mullighan that the terms of reference be widened, with whatever words that we might have debated. As the Hon. Angus Redford said, it is perhaps giving people false hope that they can come before the commissioner and that no demarcation lines will be drawn. Once again I urge members to support this amendment and to acknowledge that they understand the extent of abuse and that lives were endangered.

Amendment negatived; clause passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

OATHS (JUDICIAL OFFICERS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That this bill be now read a second time.

This bill is to amend the Oats Act 1936 to take into account changed practices with the appointment of District Court masters. Section 7 of the Oaths Act prohibits persons appointed to judicial offices named in the section from discharging any official duties until they have taken the oath of allegiance and the judicial oath. When Ms Anne Bampton, an experienced legal practitioner, was appointed a District Court master on 21 October 2004, the Chief Justice and the Chief Judge noticed that there was no provision for persons appointed to the office of District Court master to take the oath. The Chief Judge considers it inappropriate for Master Bampton to commence her judicial duties until she has taken

the oaths required of all other judicial officers in the state. The Chief Justice does not wish to administer the oath to Master Bampton when he has no specific authority to do so.

The omission of District Court masters from section 7 of the Oaths Act was probably an historical oversight. Judicial duties of a type now performed by District Court masters used to be performed by a magistrate. Of course, they took the oaths under the Oaths Act upon their appointment as magistrates. When the Local and District Criminal Courts Act 1926 was amended in 1987 to create the office of District Court master, only magistrates or persons who were eligible for appointment as magistrates could be appointed to this new office.

In 1991, the District Court Act 1991 and other acts of parliament were passed to restructure the courts. The Local and District Criminal Courts Act 1926 was repealed. The District Court was established to exercise both civil and criminal jurisdictions. Amongst many other changes, the eligibility requirements for appointment to the office of District Court master were changed so that legal practitioners with at least five years' experience are eligible for appointment. However, the Oaths Act was not amended in either 1987 or 1991 to require District Court masters to take the oaths. This omission will be corrected by the passing of this bill.

As it is necessary now to amend section 7(1) of the Oaths Act, it is convenient to bring the subsection up to date in other respects. References to the repealed local and district criminal courts act 1926 and the obsolete state office of judge in insolvency will be removed. The Chief Judge has also requested that section 28 of the Oaths Act be amended to make it clear that District Court masters are commissioners for taking affidavits, as are the holders of all other state judicial offices. The bill would do this.

I ask the parliament to pass this bill urgently to rectify the omission in section 7 of the Oaths Act so that Master Bampton can be sworn in and start the judicial duties she has been appointed to perform. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. As there is no commencement clause, the measure will come into operation when it receives the assent of the Governor.

Part 2—Amendment of *Oaths Act 1936*

3—Amendment of section 7—Oaths to be taken by judicial officers

Current section 7(1) provides that the officers listed in that subsection must, before proceeding to discharge any official duties, take the oath of allegiance and the judicial oath. The current list does not include Masters of the District Court and contains a number of obsolete references. The proposed amendment lists judicial officers in current terms as follows:

(a) the Chief Justice, puisne judges, and Masters, of the Supreme Court; and

(b) the Chief Judge, other Judges, and Masters, of the District Court; and

(c) magistrates; and

(d) justices of the peace.

4—Amendment of section 28—Commissioners for taking affidavits

This amendment is consequential.

The Hon. R.D. LAWSON: I indicate that Liberal members will be supporting the passage of this bill. We were first informed earlier this morning of a decision of cabinet that the Oaths Act be amended in response to the situation that has arisen with regard to Master Bampton taking up her judicial office. I think it is unfortunate that the opposition and other members of parliament were not informed before this morning of the proposal of the government to introduce this measure. However, we do accept what the minister has said in his second reading explanation and the reasons for this amendment. We accept that it would appear to be an historical oversight which should be remedied.

Notwithstanding that acceptance, there are conventions in this place regarding the time members have to consider legislation and to consult with people in the community in order to ensure there are no unintended consequences of legislation. The judicial oath, which is set out in section 11 of the Oaths Act, is a most ancient and important oath. All judicial officers—including the Chief Justice, puisne judges of the Supreme Court, masters of the Supreme Court, judges of the District Court, special magistrates and justices of the peace—are required to take an ancient judicial oath, which, first, swears allegiance to the sovereign and continues:

> . . . and I will do right to all manner of people after the laws and usages of this state, without fear or favour, affection or goodwill. So help me God!

It is an important oath. It is not just some empty symbol, and it is appropriate that all judicial officers swear that oath before undertaking their tasks. The District Court Act makes it clear that masters of the District Court are members of the judiciary of that court. Although section 10 of the District Court Act provides that a master is, while holding that office, also a magistrate, it is an anomaly that there is no provision in the Oaths Act for the judicial oath to be administered to District Court masters, where there is a provision that the oath be administered to magistrates. The task that is undertaken by District Court masters is important and significant, recognised by the fact that masters are members of the court's judiciary. As I have indicated, we accept the explanation for the reasons for this bill. We accept its urgency, because Master Bampton should embark upon her judicial duties immediately. She should not be sitting around the court on the public payroll unable to fulfil the functions she has been appointed to carry out.

While I do not propose to delay the passage of the bill at all, I do ask the Attorney-General, in the fullness of time, to provide the council with a response to this proposition: I understand that other District Court masters have been appointed in the past and that a judicial oath has been administered to them. I believe the council is entitled to an answer from the Attorney-General as to whether the effectiveness of those appointments has been affected in any way by the apparently unauthorised oath that has been administered to them. Does that fact—if indeed it be a fact—compromise any decisions which might have been made by those masters? However, I do not require an immediate response to that. That is a matter upon which advice might have to be taken, but, in the fullness of time, I believe it should be placed on the record. We will be supporting the second reading.

The Hon. KATE REYNOLDS: I indicate Democrats support.

The Hon. T.G. CAMERON: I support the bill and I take on board the government's request that the matter be dealt with urgently. It is a reasonable request and I intend to assist the government in that process by making my second reading

contribution now so that the bill can proceed. Quite clearly, the Chief Judge considers it inappropriate for Master Bampton to commence her judicial duties until she has taken the oaths required—oaths required of all other judicial officers in the state—and we have the Chief Justice basically refusing to administer the oath to Master Bampton when he has no specific authority to do so, and I think he is correct in adopting that position. Quite clearly, we need to get Master Bampton to work. According to what one reads in the papers, we have enough problems in the courts with unnecessary delays. It is my understanding that some people in our court system are having their cases held up for years.

There is an old saying that justice delayed is justice denied, so I believe that there is an onus on us to support this bill immediately. What the government is also attempting to do as it tidies up this oversight is to bring the Oaths Act up to date. It intends to repeal any reference to the Local and District Criminal Court Act 1926 and to delete any reference to the obsolete state office of judge in insolvency. I am not sure how long it is since we have had a state office of judge in insolvency: it could well be decades. In addition to that, the Chief Judge has also requested that section 28 of the Oaths Act be amended to make clear that District Court masters are commissioners for taking affidavits, as are the holders of all other state judicial offices, and the bill would achieve that objective. It is my intention to support the second reading so that the bill can go through today so that we can get Master Bampton to work.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the Deputy Leader of the Opposition, members of the Democrats, the Hon. Terry Cameron and other minor parties for their cooperation in this bill. The Deputy Leader of the Opposition, the shadow attorney, did ask a very reasonable question and it is something that the government would, in any event, need to consider. It is appropriate that it should be answered, so I undertake to have an answer provided in writing by the Attorney-General in relation to that important question that the honourable member asked. I again thank all members for their cooperation in getting this bill through.

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

RAILWAY EMERGENCY PROCEDURES

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a ministerial statement on railway emergency procedures made by the Minister for Transport today in another place.

CATCHMENT WATER MANAGEMENT BOARDS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement about catchment water management boards made in another place by the Minister for Environment and Conservation.

PITJANTJATJARA LAND RIGHTS (REGULATED SUBSTANCES) AMENDMENT BILL

In committee.

Clauses 1 to 4 passed.

New clause 4A.

The Hon. NICK XENOPHON: I move:

Insert:

4A—Amendment of section 19—Unauthorised entry on the lands

(1) Section 19(8)—after paragraph (d) insert:

(da) a representative of the news media who enters the lands for the purpose of investigating or reporting on a matter of public interest occurring on, or having a connection with, the lands;

(db) a person providing an assessment and treatment service established by the minister in accordance with section 42BA;

(2) Section 19(9)—delete 'or (d)' and substitute:

,(d), (da) or (db)

I referred to this amendment during my second reading contribution. It relates to giving authorised entry on the lands to a representative of the news media who enters the lands for the purpose of investigating or reporting on a matter of public interest occurring on, or having a connection with, the lands; and also a person providing an assessment and treatment service established by the minister in accordance with proposed new section 42BA. For the benefit of members, that relates to the second amendment I will be moving in respect of regulated substance misuse offences—a mandatory referral to an assessment service. There appears to be a loophole or a gap in the current legislation where, for instance, those who have an abuse problem with the sniffing of petrol will not be covered by such a program.

Perhaps the most contentious part of the amendment relates to representatives of the news media having access to the lands. This amendment is fettered by requiring that it be a matter of public interest that is to be reported on, occurring on, or having a connection with, the lands. I am convinced that we would not be having this debate and indeed many other debates in the broader community about the terrible social, economic and health problems that have occurred on the lands were it not for media reports that commenced, as I recollect, with a report by Miles Kemp in *The Advertiser* a number of months ago. By shedding light on the problems through those media reports, I believe that it has been a real impetus for reform and change and for a greater focus on the terrible problems facing the residents of the lands.

It is about allowing an opportunity to shed light on these problems. I believe the best way to do it is to allow access to media organisations. This is not open slather. It is not about letting anyone go on these lands, but it does provide for access to the media. In relation to proposed new paragraph (db)—that is, a person providing an assessment and treatment service in respect of proposed new section 42BA—if this amendment is defeated but the second amendment is carried, it would require recommittal of the second part of this first amendment in order to give effect to the second amendment, because, as I understand it, treatment providers would not be covered under the act as it currently stands.

The Hon. T.G. CAMERON: I find the amendment moved by the Hon. Nick Xenophon quite attractive, but I want to sort out a couple of things. Proposed new section 4A(1)(da) provides:

> a representative of the news media who enters the lands for the purpose of investigating or reporting on a matter of public interest occurring on, or having a connection with, the lands;

What if a representative of the news media entered the lands and was not there for the purpose of investigating or reporting on a matter of public interest? I support what the honourable member is attempting to do, but I am not sure that proposed new paragraph (da) completely closes off an opportunity for the media to get there. However, if in his legal opinion he thinks it does, that would satisfy me.

The Hon. NICK XENOPHON: The amendment has been drafted in this way to make it clear that there must be a public interest test, so that if a journalist is going on the lands for a holiday or to visit a friend, for instance, they would not have that access. Perhaps I should have mentioned that, currently, any person who wants to enter the lands, as I understand it, has to get the permission of the executive board. I know the Hon. Kate Reynolds has had a longstanding interest in indigenous issues and has closely scrutinised the act, but at the moment it is quite restrictive as to who can go on the lands.

The people to whom it does not apply are police officers acting in the course of carrying out their official duties; any other officer appointed pursuant to statute acting in the course of carrying out their official duties; someone with the written authority of the minister; a member of parliament of the state or commonwealth; a person who is genuinely a candidate for election to a parliament of the state or commonwealth; a person who is accompanying and genuinely assisting any such member or candidate; and also entry upon the lands in case of emergency. The reason I put reference to 'in the public interest' is to make it clear that this is about genuine reporting of issues on the lands that would be in the public interest. I hope that sufficiently answers the Hon. Mr Cameron's question.

The Hon. R.D. LAWSON: I also add to what the Hon. Nick Xenophon has said in relation to the matter raised by the Hon. Terry Cameron. The Hon. Terry Cameron's question is actually a very acute one, because it recognises what one might always expect of journalists—they may go onto the lands for one authorised purpose but then forget about that authorised purpose and engage in activities that are inimical to the people on the lands.

That is a difficulty with anyone going onto the lands without permission, and that is why the existing act provides that a police officer can go onto the lands but only when acting in the course of, or carrying out, his official duties. So, if a police officer goes onto the lands on duty but ceases to be on duty he is not entitled to remain on the lands because the purpose is actually specified in the act. Similarly, an officer appointed pursuant to some statute is only entitled to go onto the lands and remain on the lands whilst he is in the course of carrying out his official duties. Likewise, persons authorised by the minister are entitled to go onto the lands only for the purpose of carrying out their functions. In my view the draftsman had to adopt the mechanism that he has adopted here of saying a representative of the news media who enters the lands for the purpose of investigating and reporting on a matter of public interest.

I also indicate that Liberal Party members will be supporting this amendment. The reason for our support is not a theoretical or ideological one: it is an entirely practical one. Earlier this year when there was an election on the lands a journalist from *The Australian* newspaper sought access to the lands, but the then executive had decided to give only one media representative permission to go onto the lands for the purpose of viewing and reporting on the election. That happened to be Mr Miles Kemp of *The Advertiser*, who had previously been onto the lands on several occasions and who had written very favourable articles about those persons who were in office at that particular time. The reporter from *The Australian*, Rebecca diGirolamo—who is now with *The Southern Cross* as the media officer for the Catholic Church, a very good journalist—had previously been onto the lands with the minister and the Premier and had written an accurate report for her newspaper which said that the visit, with TV cameras and the Premier, was a media circus. For using the words 'media circus' she was not actually permitted to go onto the lands again, and was taken off—

The Hon. Kate Reynolds: Who refused her application?

The Hon. R.D. LAWSON: Her application was refused by the AP executive, which refused to deal with this—

The Hon. Kate Reynolds: So the entire application process was completed and then it was refused?

The Hon. R.D. LAWSON: She made application and it was refused. Likewise, that reporter, because she had written that it was a media circus—a fairly innocuous comment, one would have thought—when the Premier went to hand over the L-shaped Conservation Park to the Maralinga people and journalists were invited and transport was provided, *The Australian* was told that although they had previously been on the list they were no longer on the list of journalists who were invited to go. So there is a great deal of censorship going on in relation to what is happening with Aboriginal affairs in this state. It is for that reason that we will be supporting this amendment, because it is important—

The Hon. Kate Reynolds: Will the written records made by the AP executive show that those applications were refused? Because these applications—

The Hon. R.D. LAWSON: If the honourable member has some query, I would be obliged if she would put it on the record and I will certainly respond. However, we on this side of the committee believe that the treatment of the media was highly selective and that, ultimately, it is not in the best interests of anyone to have what is going on or not going on in the lands being censored or beyond media scrutiny.

The Hon. T.G. CAMERON: I too indicate my support for the amendment standing in the name of the Hon. Nick Xenophon. I was unaware of the incident that the Hon. Robert Lawson has just outlined to the committee.

The Hon. T.G. Roberts: Do you accept it?

The Hon. T.G. CAMERON: I have just said that I am unaware of it—did I say I accepted it? You might like to wait until I finish my sentence before you jump in on me.

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): The Hon. Mr Cameron should not be diverted.

The Hon. T.G. CAMERON: I am unaware of the incident that the Hon. Robert Lawson has referred to, but I had already decided to support the amendment standing in the name of the Hon. Nick Xenophon and would have done so, except the honourable member jumped up before me. If the story that the Hon. Robert Lawson has outlined to the committee is in any way correct then it does not bode well for transparent and open reporting of the news on the Pitjantjatjara lands. However, I have no idea whether what the Hon. Robert Lawson has said is correct or not so, in response to the minister's interjection, I am neither accepting nor rejecting what he said—merely, as I have indicated, that I was unaware of it.

The Hon. R.D. LAWSON: Can I correct something I said earlier?

The ACTING CHAIRMAN: I understand that, but the Hon. Kate Reynolds is on her feet and I called the Hon. Mr Cameron because we had been following his line, so I will call the Hon. Kate Reynolds.

The Hon. KATE REYNOLDS: This will probably give the Hon. Robert Lawson the opportunity to say what he was going to say. I was very interested to follow through the detail of people's understanding of the application process for those seeking to enter the lands. Almost anybody can enter

the lands, and I am not aware that there are even any legal restrictions on anyone making an application. Some people are exempted, and the Hon. Nick Xenophon has named those, because they are named in the act, but some who are exempted from making an application can enter the lands. Even members of parliament, who are not required to make an application, as I understand it, still go through the process (certainly, members of the Aboriginal Lands Parliamentary Standing Committee do so) because it is about showing respect for those communities. We do not just go tramping in unannounced, and we do not tramp wherever we want to. We respectfully give notice and seek the approval of those communities. I have struggled from the very beginning with the notion that the media can go in at any time.

It is important to understand the application process. The form for people who want to visit the lands is very widely available. You have to say who is applying to visit; if you are from an organisation, you have to name it and give your address, telephone and fax numbers, an email address and an emergency contact, which of course is very necessary in those remote communities. Approved contractors, consultants or suppliers are required to give the appropriate numbers. The form includes one line for people to describe the purpose of their entry—'Going for meeting', 'Going to provide health service,' or whatever it might be—so it is not as though the body that processes those applications (the APY executive) is asking for a great deal of detail. The form requires you to give the details of your vehicle, which again is incredibly sensible and logical in those remote communities. You are asked to give your date of entry and departure, and you are also asked to name the communities you intend to visit. If it is a straightforward application, it is processed by the permits officer.

There is a second step for the media. They are asked to provide some additional information about which communities they want to visit and what they want to do there. They are given quite specific information about the time line: it takes longer to get the permit applications authorised for the media, because each community is contacted and asked whether or not it approves that media person—whether it be a journalist or a photographer—visiting each of those communities. I have had a number of conversations with the people who process these applications. I have not done so in the past couple of weeks, but I did at the time this amendment was first put on file. To the best of my knowledge, no application from a journalist has ever been refused. On a number of occasions, journalists have made an application, having filled out the initial permit application form, but did not complete the second process that the APY executive requires journalists to complete. I would be very interested if the Hon. Robert Lawson could provide us with further information about any journalist who has been refused permission to enter the lands.

The Hon. R.D. LAWSON: I am very happy to do that for the benefit of the committee. It is true that, in the instance to which I referred today—namely, a journalist applying to visit the lands for the purpose of viewing the election process—approval was given within a couple of days of the election being held. The circumstances were these: the application was made two weeks before the election, against the background that it takes a lot of time and many arrangements to get transport to the lands. One cannot simply book a flight, because there are no regular transport arrangements.

The Hon. T.G. Roberts: Or accommodation.

The Hon. R.D. LAWSON: Or accommodation. However, in this case the application was made. Telephone calls and follow-ups were made, and the individual and the organisation were fobbed off generally, with no response until just before the election was held, when it was obviously too late for the journalist to get to the lands. That sort of chicanery should not be permitted. I remind the committee that the amendment before it will require that a journalist who proposes to enter the lands will have to give reasonable notice of the time, place and purpose of the proposed entry—just like a government official or a politician. So, the same arrangements now apply to members of parliaments, persons authorised by the minister to visit the lands, or other official officers pursuant to statute (whether it be the Health Act or the Inspection of Livestock Act, or whatever), namely, they must give notice. I believe that, under the current act, the only persons who do not have to give notice are police officers, and one might have a debate about that.

This amendment does not undermine respect for the inhabitants of the lands and is not moved to undermine their interests but to enhance them. Not only non-indigenous people who live off the land are interested in what is going on there; many Aboriginal people around Australia are also interested. There is no capacity to find out, except through government authorised entrants and government material. The minister issues very helpful press releases when he visits that tell us all the wonderful things that the government is doing. Independent journalists, who play an important role in our democracy, do not have an opportunity to travel freely to the lands.

The Hon. T.G. ROBERTS: I have listened patiently to the contributions made. I have heard the Hon. Nick Xenophon's story about the single journalist who was denied access. I have not heard of any more. I followed up the one—

The Hon. Nick Xenophon: It is a general principle.

The Hon. T.G. ROBERTS: I know it is a general principle, but you are changing the act on the general principle of the denial of access of one journalist during one period of time. There have been other stories of individuals being denied access, because the executive has made a decision that they do not want those people on their land. I say, 'on their land' deliberately, because it is private land. I would like to pose a question to those supporting this: would you like journalist to pose the following to you? 'I am going to come to your barbecue next Sunday. There is a matter of public interest there, Nick Xenophon is there, Mr Terry Cameron is bringing a couple of bottles of red around, and I understand that Robbie Lawson is going to be there too—he sings a good song on karaoke—and the public should know about it.' That is basically what the amendment does.

The amendment provides that, if it is in the public interest, you cannot deny access—under the rules, as long as they go through the same procedures as everyone else—to journalists if they make the declaration in light of this. I am not sure who is going to make the decision of what is in the public interest. Is it going to go to court to be contested before the application is made, or after it is made? If it is denied, I am not really sure about the process. You are talking about privately owned land. That land belongs to the Anangu Pitjantjatjara Yankunytjatjara people. There are a lot of occasions and good reasons why access has been restricted. Not denied—restricted.

The Hon. Nick Xenophon: Do you mean to journalists?

The Hon. T.G. ROBERTS: To everybody. There are reasons why you do not want people there. It is the centre of Australia for a start. Temperatures get up into the 60s on the lands from now until March. There is a whole range of reasons why Anangu do not want people wandering around up there, so they have to have an idea of where people are. The application process spells out all the details about notification, when you enter, when you are going to leave and who you must notify when you are there. That is for good reason, and it happens outside the lands as well. If you are going up to Oodnadatta and you are driving around the roads at William Creek and so on, where a sudden downfall can deny access or have you caught between places, it is good practice to register with the hotel or to let somebody know where you are, where you are starting your journey and when you are going to return, and give some sort of time frame.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: I am saying that there are good and valid reasons why people on the lands do not want to have general access without notification. Also, something that a lot of Australians in the metropolitan area do not understand is that Aboriginal people do what they call 'business'. They shut down access to roads. Overnight, barriers are pulled out and drawn up, and they have people standing guard. They have sensitive initiation ceremonies for the whole of central Australia; it is not just for the north of South Australia and it is not just for the Anangu Pitjantjatjara people up there. You are not talking about an application for an issue for an Apex club luncheon down by the beach: you are talking about a group of people who are unique—not just to Australia but to the planet—who have these ceremonies, and they want to have some form of access denial so that they can do what they want to do, and it is quite private. White people are generally not allowed to view Aboriginal people when they are in business.

The Hon. T.G. Cameron: The media have always respected that.

The Hon. T.G. ROBERTS: Well, we are saying that the changes to this will make it easier for access if it is in the public interest. If showing tribal Aboriginal people at initiation ceremonies is in the public interest, I am not sure who is going to define what is in the public interest. Is the Hon. Nick Xenophon going to define what is in the public interest? Who is going to define the public interest—the courts? Who? We have to respect the wishes of the Anangu people who are now sitting down with us and talking about a wide range of issues associated with access to the lands, mining, environmental tourism, culture and heritage display, where they are prepared to sit down with us for the first time ever and work out the rules of engagement for mining companies and oil exploration. They are sitting down with us now, talking about how to change the permit system to bring benefits to Anangu people on their land in a way that is structured and has formality and respect built into it. Out of the blue comes an amendment to a bill that we had no intention—

The Hon. Nick Xenophon: It is not out of the blue.

The Hon. T.G. ROBERTS: I am not sure how much constructive dialogue you have had with the AP people, or whether or not you have run it past their executive, but I am sure that, if you did, you would have to go up there and engage with them. You would have to sit down with them and talk to them about the good intentions that you have in allowing the media access in the public interest, whether or not it is regarded by them as being in the public interest or whether it is contestable as to whether or not journalists are able to come on and film, interview, take photographs, etc. I suspect that, had you known this information, you might not have gone ahead with the amendment. We are trying to talk to them about changing an age-old practice of permits which is very restrictive—

The Hon. R.I. Lucas: It is not that old.

The Hon. T.G. ROBERTS: It is 25 years old; that is not a long time, geographically speaking. We are trying to get a practice change by negotiations around the table for a whole range of reasons, and that is why we are opposing the amendment as it stands. At a later date, through negotiations and discussions with the AP, I would like to be able to report that they have a different and more accessible permit system than the one they have now. They know that they have to open up the lands; they know that they have to lift some of the restrictions and make access easier for tourism. There is an intention to set up a tourism-art program; there are intentions to have the Mann Ranges and the Everard Ranges opened up for tourism, and that is wonderful; it is beautiful country. However, it is harsh and it is also unforgiving if you have Japanese tourists on bikes.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: I am just making an illustration. You are a sensitive soul; you are far too sensitive on this issue. The government is negotiating change. An amendment has been moved without discussion with the APY and, because we have so many other issues that we are negotiating, the government would prefer to discuss the issue of permits in a free and unfetterred way that does not have this parliament, based in metropolitan Adelaide, dealing with interstate and metropolitan-based journalists who are advising the APY what is in their public interest.

The Hon. A.J. REDFORD: I would like to make a few comments in support of the Hon. Nick Xenophon's amendment, and I ask the minister to cast his mind back a short time to when we moved to establish a select committee. I took a motion to our party room to establish a select committee, which was the catalyst for a lot of change which led to the establishment of the standing committee of which the Hon. Kate Reynolds is a member. The catalyst for that was the expulsion of Kevin Borick from the AP lands because he said something they did not like.

Members interjecting:

The Hon. A.J. REDFORD: No, he is not a journalist. We sat here for a decade, and I do not recall many questions being asked and I do not recall reading many articles in newspapers about the human tragedy that was unfolding in the AP lands over that time. What contributed to this parliament's neglect was the fact that we were not getting regular reporting from the media as to the human tragedy that was occurring in that area. It is not just a matter of censorship and the way in which the journalist from *The Australian* was treated on this particular occasion. It is also a question of the community's, the parliament's and successive governments' neglect of what was occurring in that area.

Even the minister would agree with me that the Premier of this state is very responsive to the media, and I put that in as neutral a way as I can. I can assure the minister that, if we had read articles in *The Australian* or on television which showed the unfolding human tragedy through the 1990s, this parliament would have responded that much earlier and some of these problems would not have got to the stage—

The Hon. Kate Reynolds interjecting:

The Hon. A.J. REDFORD: We did not have any. We never had the media reports, and it was certainly not on my radar screen. It was not on that of many members. It might have been on the Hon. Kate Reynolds' radar screen but it was not on parliament's radar screen prior to the time she got here. That is a fact, and that was as a consequence of no reporting or little reporting about what was occurring, about the human tragedy, in the 1990s.

We have to have media reporting about what is going on up there because it is the way in which we as a parliament can be informed. It is all well and good for those people who are serving on a committee to say that they are well informed, but for members of parliament and the broader public it is vital that we are made aware of what is occurring up there so that we do not let this human tragedy occur again behind closed doors, behind brick walls or behind a permit system, as the minister described.

The second point I make is that the minister alluded to private property. It is not fair to describe the AP lands as private property. It is community property that has been vested in the AP people pursuant to an act of parliament. That is what it is. It is not private property. If he wants to use that example, let me say that there is no law that would prevent me from turning up at the minister's place on Sunday for an afternoon barbecue, walking up his driveway and saying, 'Gidday, Terry.' No offence would be committed, even if he did not like to see me there.

The Hon. T.G. Cameron: You would be welcome if you had a bottle of red in in your hand.

The Hon. A.J. REDFORD: I would need more than that. Under this legislation, it is an offence for someone merely to set foot on those lands. It is not a private property situation. In terms of private property, journalists have a right to go on Nick Xenophon's property, knock on his door and seek to interview him. I do not know what the honourable member does with his time at night, but we only have to watch *The 7.30 Report*, *Today Tonight* or *A Current Affair* to see that that happens on a regular basis, and the people who own that private property are not perhaps on occasions all that happy about it but journalists have a right to do that, just as ordinary people do. There is a fundamental difference, and the analogy that the minister gave is not fair or correct.

I urge members to support this because never again should this happen, that a human tragedy of that dimension should unfold in the northern part of our state and we down here blissfully remain ignorant of the extent and the reality of that tragedy. It is all well and good to say that the professionals or people on the select committee are aware of it, but this issue is far too important to be confined to that small, select group of people. It is a tragedy that should have been made apparent a decade ago, and it was not made apparent.

The Hon. T.G. ROBERTS: I agree with the honourable member's comments. It is an extreme tragedy that should have been brought to the public's attention far earlier than it was, but there were certain steps that this parliament had a responsibility to take that it did not take because the standing committee had been abandoned. With respect to highlighting the problems on the lands, I have a different view as to how it all happened. Miles Kemp's article was the first indication via the media that all was not right on the lands and that there were major issues out there.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: The honourable member says that it is a catalyst. In my office I have at least 10 to a dozen notifications to media outlets that I made as shadow minister in relation to the tragedy that was unfolding on the lands, because I visited the lands on a number of occasions by invitation to try to act as a mediator between the Pit council and what was then being worked up as the council that was going to play the role of the Pit council on the AP lands. It was to be a service organisation to take over the role from the Alice Springs-based Pitjantjatjara Council. It also provided anthro and legal representation. The tragedy that unfolded in front of my eyes was total shock. I left the lands in total shock. I tried to get a number of journalists interested; I tried editors; and I tried interstate papers to try to urge them to take an interest in the South Australian lands because the local media did not want to know.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: What the honourable member is saying is that they did not take any interest because of the permit system. That is not what happened.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: Well, the briefing. I withdraw and apologise. I thought that is what you meant.

The Hon. T.G. Cameron interjecting:

The Hon. T.G. ROBERTS: That is quite possibly right. I was ineffective. I placed a range of information before journalists and others and said, 'I think you ought to take an interest in what is going on up there, but do it in a constructive way; inform yourself about what is going on, not only here in South Australia but also Australia-wide.'

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: If the honourable member says that no-one was informed, go back and look at the contributions that I made as shadow minister, highlighting the issues in relation to some of the problems in the lands. I approached the minister in relation to what was happening on the lands; not only on the lands but also at many other communities within South Australia. I agree it is a tragedy. The way in which it has unfolded, I do not agree. It appears that members have made up their mind. I do not think there is anything more I can say in relation to my opposition to opening it up to media interest. The honourable member says, 'Let us open it up so that, like private property, people can then enter the lands.'

The Hon. Nick Xenophon: I did not say that.

The Hon. T.G. ROBERTS: Well, the implications are that if you have private property—

The Hon. Nick Xenophon interjecting:

The Hon. T.G. ROBERTS: You walk on to private property. If someone on private property orders you off, you have to leave. That is part of the law, as I understand it. If you go to the lands and the executive—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The roads are on private land; they are private. If an executive member orders you off the lands, that is far more embarrassing than having been denied access for whatever the reasons you have been denied access. As I said, the individual case is one journalist being denied access at a critical time. If the election of the APY executive was so important in terms of public interest, even though other journalists were on the case, public interest was served by a reporter being there. If the reporters there got it wrong, then obviously public interest had not been served. The information I had was that the process was not completed. There was not a completed process. If the journalists from Sydney were genuine, why did they not go to Alice Springs and wait for their applications to be completed? It is only a 4½ to five hour drive away. That is an option.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: No, not a fortnight. I spoke to the applications officer who said that they had contacted the individual and asked them to hurry up with their application because time was running out. If I have been told mistruths, then I would say that you have a case to answer. The Hon. Kate Reynolds may have been given the same information. I just make those few comments and indicate that the government is opposed to the amendment.

The Hon. KATE REYNOLDS: I have a couple of questions that I would like to ask the Hon. Nick Xenophon, as the mover of the amendment. One of the things we have talked about a lot in this place in the time I have been here, in particular since the time of the Aboriginal Lands Parliamentary Standing Committee—and it has been working as hard as it can—is the need for respectful and timely consultation with Anangu about decisions that affect them. Clearly, this decision to allow representatives of the news media—and I will come to the definition of that in a minute—onto the lands at any time at any place with almost no restrictions would have an effect on Anangu. Can the honourable member say with whom he consulted in relation to this amendment and what sorts of views were expressed about that?

The Hon. NICK XENOPHON: I should make it clear that my concerns about this issue of media access on the AP lands is something which predates the incident in relation to the journalist from *The Australian*. This is something that has been of concern to me for some time. Have I consulted the AP lands executive? No, I have not. I acknowledge that. I consider that an important principle is at stake, in terms of having adequate access. Given what has occurred—and I do not question at all the sincerity and hard work of the Hon. Kate Reynolds, the minister and others—there is something seriously wrong when the conditions on the lands have been so parlous and there is still widespread substance abuse.

I know that the minister today was talking about 10 to 15 per cent of Aboriginal indigenous youths having a petrol sniffing problem. Something needs to be done. To me there is an overriding principle at stake here. I want to assure the Hon. Kate Reynolds that it does not indicate on my part a lack of respect for the communities. I believe that this is an opportunity to do something positive to shed light on a very serious problem. I still believe that if it was not for the initial article by Miles Kemp in *The Advertiser*, which acted as a catalyst for change, we would not be having this debate.

These problems have been going on for so long and there has been a community that, unfortunately, at times has been severely dysfunctional, and I believe that shedding light on a terrible situation is a positive step, so I am guided by what I consider is a important principle here of openness of access to the media, given what has occurred. As a general principle, I endorse the comments of the Hon. Angus Redford in terms of his concerns and his experiences with relation to this.

The Hon. KATE REYNOLDS: I must confess that my interest in Aboriginal and broader indigenous issues is a relatively new interest of some three or four years, I would say. Certainly, in the last 18 months I have learned an enormous amount and in the last seven or eight months I have come to understand things that three or four years ago would have been completely incomprehensible to me. But even I know that 15 or 20 years ago there were stories in the media about the conditions in remote communities in this country. There were not a lot of stories, but everyone knew that those communities were doing it tough. Everyone knew that there was entrenched poverty, there were issues around family violence, that you could not buy fresh food, that everything cost a fortune; we all knew that.

The mainstream media did not run very many front page stories, but plenty of other media did. Indigenous media did; SBS ran documentaries all the time; a lot of the alternative newspaper publications and magazine publications ran stories about hardship on the lands, about the issues on the lands and in remote communities all round Australia all the time. The fact that the mainstream media did not does not mean that we should be suddenly saying that someone wrote an article earlier this year that acted as a catalyst for a whole lot of change. It was not a catalyst. We could have a whole other debate about this, but the article published in the *Advertiser* this year might have been a catalyst for this government to try to deal with some issues because it was highly embarrassed, but that does not mean that media in the past have not taken an interest and not reported.

What is more shocking in my view is the indifference that mainstream media and successive governments and parliaments have shown. That is the issue. I am sure that the Hon. Nick Xenophon would agree with me when I say that this particular government is very much driven by the media. So yes, that particular article was a catalyst, but it is not going to continue as a catalyst having articles on the front page of the paper if all the relationships that we are now trying to build with people in those communities have been destroyed.

I would like to emphasise that I am not going to defend previous governments or parliaments, but this particular parliament has established a committee that is attempting to work in a bipartisan way to seriously address those issues. I have to take on face value some of the work that the government is doing and sometimes I struggle with that, but the issue about building relationships is particularly important. If we now say that we are going to pass this amendment, which is tantamount to saying that someone from the media can enter my back yard and then they can enter my home whenever they like without my permission, and perhaps without even telling me, this is going to seriously put at risk the relationships that we are trying to build with people in the community covered by this act.

Is the Hon. Nick Xenophon going to move similar amendments for other communities that are not covered by this act? There are others that experience poverty, violence and unreasonable costs of basic services, but they are not covered by this act. Are we going to say that if the media can have unfettered access to these lands they can have the same access to any other Aboriginal community? I would be interested to hear the Hon. Nick Xenophon's response to that. I would also like to place on the record that I have had quite a different version of the sequence of events in relation to the journalist from *The Australian* seeking to enter the lands to cover the election.

My understanding—and I would like this on the record—is that the application process was not completed; that a number of calls were made to try to have all the forms lodged so that the application process could be completed and that journalist could be given permission to enter the lands and cover the election. I will be following this up and looking for the documentary evidence of a complete application that the Hon. Rob Lawson is indicating was lodged and then was refused, because refusals are of course put in writing.

I think that members here must oppose this amendment. We can have an argument about whether or not the lands are private or whether or not they are community owned. The point is that the APY lands are not public land. They are not

land that anyone should be able to go tramping into at any time with free and unfettered access. These are people's homes. These are people's places of spiritual practice. This is, in effect, the museums, the art galleries, the sacred places, as we have similar sacred places in our white, urban, city-based and very much city-centric culture that we take a great deal of time, money and effort to protect. I strongly and strenuously believe that the Aboriginal communities should be given the same opportunity to protect their sacred places, their homes and their places of cultural significance.

We must also recognise, as the minister said in his remarks, that some physical safety issues need to be taken into account, too. I do not know whether the Hon. Nick Xenophon has been to those remote communities on the APY lands, but it is not somewhere where you would want people roaming about without sufficient food, water and shelter in those extreme temperatures. If we start dismantling this permit system now, where will it end? What messages are we sending to those communities? I cannot and will not tolerate the undermining of the right of those communities to look after their own affairs.

We keep saying—the rhetoric here is from every party and every Independent in this place and the other—that indigenous communities need to be assisted to become more independent; to look after their own affairs; to manage their own decisions; to manage their assets; and to meet their responsibilities. If we start undermining them in this way, then I would have enormous sympathy for community leaders and individuals who would take this as a very strong message that the parliament does not care—this is a bit of a shot across the bows—and I would understand if they thought that the fledgling good relationship was about to be completely destroyed.

When I was on the lands last week at the AnTEP ceremony, I had a conversation with a number of individuals and a couple of small groups of both Anangu and government white workers who were on the lands, and every single person expressed their shock and horror that we were contemplating this. Every single person to whom I spoke said, 'Yes, we need to have more discussion about how we can make the lands more accessible to people' for the sort of purposes that the minister outlined earlier—I am starting to sound like one of your government backbenchers. I do not really mean to, but on this I do happen to agree.

The Hon. R.D. Lawson interjecting:

The Hon. KATE REYNOLDS: It sold a lot of papers, didn't it? It shows what happens when the newspaper runs headlines such as 'Self rule is dead'. How long did it take for us to try to rebuild that damaged relationship? People are very willing to have discussion about how the lands can be made more available, but this amendment is not the place to start. I would urge members to vote against it.

The Hon. SANDRA KANCK: I do not know whether it was the intention of the mover of the amendment, but I see this as being extremely paternalistic. It seems to me, in terms of its effect, to have the same sort of intent as our Prime Minister has done in abolishing ATSIC and then proposing a body that has no power. We gave power to the people on these lands, and by doing things such as this, we take that power away from them and we potentially take away their dignity, because I believe that some of these journalists just want to get up there to take cheap shots. I would encourage members to vote against it.

The Hon. NICK XENOPHON: It is certainly not my intention for this to be paternalistic. I make it clear that I am not in agreement with what the Prime Minister has done in relation to ATSIC. In relation to the Hon. Kate Reynolds' question about whether I am seeking to apply this to other communities, this is the bill with which we are dealing. I want this to work in a positive way. This is not about destroying relationships or about being counterproductive in terms of the relationships that have been built. I believe that there is an overriding public interest that, but for the media spotlight in relation to some of the terrible problems on the lands, I do not think we would be getting the action that we have. I am conscious of the time. I understand that the government will be seeking to report progress. I am happy to elaborate on this, but I hope that in a shorthand way I have answered the Hon. Kate Reynolds' immediate question.

Progress reported; committee to sit again.

ADJOURNMENT

At 6.06 p.m. the council adjourned until Monday 22 November at 2.15 p.m.