that is less damaging than what they took out. I scratch my head and say, 'Crikey, these people are on something I am not because I cannot see the point they are making.' Anyway, some people are smarter than I am. That is a good mine and it will expand. That is a good thing, because uranium is good. Uranium is a fuel and a resource that is needed in the world. The more uranium that can be mined and exported out of Australia is good policy. Ultimately—

Mr Goldsworthy interjecting.

The Hon. K.O. FOLEY: No; it is not a three mines policy: it is a no more mines policy. However, we will let more mines happen if they happen under a Liberal government and then we will put a cap on it when we get into office federally. It is a policy that gets more bizarre by the day. That is a debate for somewhere else and I hope to participate in that debate. Whether I will be successful, only time will tell. I may be unsuccessful, but I will give it a fair crack.

Ultimately, we do send the right signal to the mining industry, and there was no better article than that written by one of the leading if not the most prominent and well regarded conservative economic writers in the nation in Trevor Sykes. It was the Downtown article in this weekend's *Financial Review*. I would like to read all of that article but I think if anybody wants to understand what occurred at the last Labor Party convention and where policy opportunities arise in terms of changing federal Labor Party policy, read that article. More importantly, though, what is the signal that this government sends to the mining industry? Let me read the last paragraph as follows:

> Meanwhile, at mining conferences the state government—

that is South Australia—

> gives away as souvenirs stubby-holders bearing a quotation from Rann saying: 'We in South Australia are pro-business, pro-jobs and pro-mining.' If only all states had the same attitude.

We are considered nationally, and in many parts of the globe, as the most progressive, aggressive mining-friendly state government that exists. That is a good thing because the people who get jobs in mines are working class people—the people that Labor governments are elected to represent. So, Labor supporting a massively expanding mining industry is not only good policy and good for the nation, but extremely good for the people who we are elected to represent. We are proud, as a government, to be seen as the leading state government in the nation when it comes to supporting, attracting and delivering mining opportunity. We are proud of that. It is good policy, good politics and good for the economy. This piece of legislation sends the right signal to the smaller investors that we are open for business and mining friendly. Let's encourage the mining industry to come to South Australia to join with us on exploiting an outstanding mineral boom in this state and one with so much potential that the sky is literally the limit.

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

PITJANTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council passed the bill, to which it desires the concurrence of the House of Assembly.

The Legislative Council drew the attention of the House of Assembly to clause 30, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the bill.

Bill read a first time.

Mr HANNA: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

The ACTING SPEAKER (Mr Koutsantonis): Is leave granted?

The Hon. I.P. Lewis: No.

The ACTING SPEAKER: Leave is not granted. The honourable minister.

The Hon. J.D. HILL: This bill amends the Pitjantjatjara Land Rights Act 1981 to provide a legislative framework for a more accountable and transparent system of governance on the Anangu Pitjantjatjara Yankunytjatjara (APY) lands. The amendments deal with the operation of the Anangu Pitjantjatjara Executive Board, the peak governing body for the APY lands. The bill forms part of the government's commitment to improve the lives of the 3 000 indigenous people living on the APY lands in the state's far north. This government has committed an additional $25 million over four years to improve conditions on the lands. It is doing what successive governments have failed to do—to provide improved health services, to create safer communities, to provide better educational opportunities, to establish relevant employment training and to develop real and sustainable jobs. The reforms contained in the bill include:

- changing the name 'Anangu Pitjantjatjara' to 'Anangu Pitjantjatjara Yankunytjatjara' to recognise the Yankunytjatjara people;
- more transparent financial reporting by the Executive Board, including a requirement for the board to annually provide Anangu and the Minister for Aboriginal Affairs and Reconciliation with audited accounts and financial statements;
- clarifying that the role of the Executive Board is as a land holding authority to manage the APY lands in accordance with the wishes of the traditional owners;
- three-year terms of office for members of the Executive Board;
- clearer operating procedures for the Executive Board;
- strict honesty and accountability requirements for the Executive Board;
- a power for the Minister for Aboriginal Affairs and Reconciliation to intervene when there is evidence that the Executive Board has refused to or failed to exercise a power, function or duty under the act or the APY constitution, where the refusal or failure results in the detriment of Anangu; and
- a power for the Minister for Aboriginal Affairs and Reconciliation to suspend the Executive Board for refusing or failing to comply with certain directions.

These changes are not about diminishing indigenous self-determination or taking away land rights. Their purpose is to increase the confidence that Anangu have in their peak governing body by increasing the transparency and accountability of its decision making. They are about making the

Executive Board a more effective and responsive body with a greater capacity to implement the wishes of Anangu The amendments will also improve the delivery of government services on the lands by refocusing the board's activities on land management. The checks and balances that are being proposed for the Executive Board represent normal standards of accountability and transparency. They are no more rigorous or onerous than those expected of other publicly-funded corporations.

In order to provide for public scrutiny of the measures undertaken by the bill, the minister must cause an independent review of the operation of the Pitjantjatjara Land Rights Act 1981 in so far as it is amended by the bill, and provide a report to both houses of parliament The review must be undertaken, and the report prepared, within three years of the commencement of clause 1 of the bill. As a result of an amendment in the other place, the review is to be undertaken by a panel of three people selected by the Ombudsman, one of whom must be Anangu. That is in the report, but the government has an amendment to change it so that the minister, through a consultative process, will do that job.

The bill is the result of extensive consultations with the current executive board, its legal representatives, Anangu, state and commonwealth government agencies and the general public. The Anangu consultations included public meetings at Indulkana, Umuwa and Pipalytjara The government provided funding to cover transport costs so that all interested Anangu could attend these meetings. A public call inviting submissions on the review of the Pitjantjatjara Land Rights Act 1981 was published in indigenous, state and national newspapers The overriding message from these consultations was the need to reform the current governance arrangements

These amendments are the first part of a comprehensive two-stage review of the Pitjantjatjara Land Rights Act 1981 that cabinet approved in March 2004. This is the first time that act has been reviewed since its proclamation in 1981 The second stage will examine land management issues, particularly as they relate to mining on the APY lands and the Mintabie township lease At the completion of this stage of the review, a second amendment bill will be introduced Owing to the complexity of these issues and the extensive consultations that will be needed, it is not expected that the second bill will be introduced until 2006. These stage 1 amendments will provide Anangu with a more effective, transparent and accountable governing body. In conjunction with the other work the government is doing in relation to service delivery, they will go a long way towards improving conditions on the lands. I commend the bill to members I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal

Part 2—Amendment of *Pitjantjatjara Land Rights Act 1981*

4—Amendment of section 1—Short title

This clause amends the short title of the principal Act to refer to "Anangu Pitjantjatjara Yankunytjatjara" rather than just "Pitjantjatjara"

5—Amendment of section 4—Interpretation

This clause introduces definitions consequential to other provisions of the measure and amends some of the current definitions so that where the Act currently refers to "Pitjantjatjara" it will instead refer to "Anangu".

The clause also inserts new subsection (2), providing that if a provision of the principal Act that specifies that an act may be done or a resolution made by Anangu Pitjantjatjara Yankunytjatjara at an annual or special general meeting, that act etc may not be done or made by the Executive Board on behalf of Anangu Pitjantjatjara Yankunytjatjara

6—Insertion of section 4A

This clause inserts new section 4A into the principal Act, which provides the objects of the principal Act (as amended by this Bill).

7—Amendment of section 5—Constitution of Anangu Pitjantjatjara Yankunytjatjara as body corporate

This clause makes consequential amends to refer to "Anangu Pitjantjatjara Yankunytjatjara" (this amendment is made wherever necessary throughout the principal Act) and provides that a document will be presumed to have been executed by Anangu Pitjantjatjara Yankunytjatjara if it is sealed and signed by 6 members of the Executive Board, or 2 persons from among the Chairperson, Deputy Chairperson, Director of Administration or the General Manager.

8—Amendment of section 6—Powers and functions of Anangu Pitjantjatjara Yankunytjatjara

This clause amends section 6 of the principal Act to make amendments to the to leasing and licensing powers of Anangu Pitjantjatjara Yankunytjatjara in relation to the lands, extending to 10 years the time to which a lease or licence can be granted to someone other than Anangu, and also sets out procedures in relation to the granting or transfer etc of leases and licences, most notably that a lease or licence cannot be mortgaged, and that a transfer etc must not be done dealt with without the consent of the Executive Board

9—Amendment of section 8—Annual general meetings and special general meetings

This clause amends section 8 of the principal Act, setting out when a special general meeting of Anangu Pitjantjatjara Yankunytjatjara must be held.

10—Amendment of section 9—Executive Board of Anangu Pitjantjatjara Yankunytjatjara

This clause amends section 9 of the principal Act, providing that the Executive Board will consist of the 10 elected members, rather than those 10 members plus a separate chairperson. It also provides that a person who is holding the office of Director of Administration or General Manager or is an employee of Anangu Pitjantjatjara Yankunytjatjara cannot be a member of the Executive Board The term of office for members is now 3 years. The clause requires the Minister to review the electorates 3 months before an election of members of the Executive Board, and further requires members elected to the Executive Board to undertake training in corporate governance within 3 months of being elected The training courses are to be approved by the Minister.

11—Insertion of sections 9B to 9F

This clause inserts new clauses 9B to 9F, effective restructuring the principal Act in relation to setting out the provisions related to the Executive Board's procedures, functions and powers

9B—Functions and powers of the Executive Board

This clause provides that the functions of the Executive Board are to carry out the functions of Anangu Pitjantjatjara Yankunytjatjara, and the day to day business of Anangu Pitjantjatjara Yankunytjatjara, and in doing so the board may exercise any power conferred on Anangu Pitjantjatjara Yankunytjatjara by or under this Act.

The clause provides that the Executive Board must comply with certain resolutions of Anangu Pitjantjatjara Yankunytjatjara

9C—Chairperson and Deputy Chairperson

This clause sets out procedures related to the election of the Chair and Deputy Chair, and any vacancies in those offices

9D—Casual Vacancies

This clause sets out procedures related to casual vacancies arising in the office of a member of the Executive Board, including conferring on the Minister a power to direct the Executive Board to remove a member in certain circumstances

9E—Remuneration

This clause provides that a member of the Executive Board is entitled to certain remuneration etc

9F—Delegations

The clause provides that the Executive Board may delegate certain powers and functions to the General Manager.

12—Substitution of sections 10, 11 and 12

This clause substitutes sections 10, 11 and 12 of the principal Act.

10—Procedure of the Executive Board

This clause sets out procedures to be followed by the Executive Board in relation to meetings

11—Minister may call meetings

This clause provides that the Minister can call a meeting of the Executive Board if the Chair refuses or fails to call a meeting within 4 months after the previous meeting, or if 2 or more successive meetings are inquorate The Minister may direct members to attend such a meeting.

12—Meetings to be open to all Anangu

This clause requires all meetings of the Executive Board to be open to all Anangu, although the Executive Board may, if there are reasonable grounds, exclude some or all Anangu from a meeting

12A—Advisory Committees

This clause provides that the Executive Board may set up advisory committees to advise the Board on its functions under the principal Act The clause sets out procedures that must be determined by the Board in relation to such a committee.

12B—Duty to exercise care and diligence

This clause requires that a member of the Executive Board must exercise a reasonable degree of care and diligence in the performance of his or her functions

12C—Duty to act honestly

This clause requires that a member of the Executive Board must act honestly in the performance of his or her functions

12D—Duty with respect to conflict of interest

This clause sets out procedures that must be followed by a member of the Executive Board in relation to any conflict of interest.

12E—Civil liability for contravention of section 12C or 12D

This clause enables Anangu Pitjantjatjara Yankunytjatjara to recover profits or compensation in relation to the failure of a member of the Executive Board to comply with proposed sections 12C and 12D

12F—Code of conduct

This clause requires the Executive Board to prepare a code of conduct to be complied with by members of the Executive Board, the Director of Administration, the General Manager and any employees of Anangu Pitjantjatjara Yankunytjatjara.

12G—Guidelines

This clause requires the Executive Board to prepare guidelines to be followed by members of the Executive Board when entering contracts or engaging in certain commercial activities

12H—Prudential requirements for certain activities

This clause requires the Executive Board to obtain and consider a report addressing specified prudential issues before the Board engages in a project likely to exceed 20% of Anangu Pitjantjatjara Yankunytjatjara's approved budget in a particular year.

13—Amendment of section 13—Accounts and audit

This clause amends section 13 of the principal Act to require that audited accounts of Anangu Pitjantjatjara Yankunytjatjara are made available to Anangu at each annual general meeting

14—Insertion of section 13A and Part 2 Division 4A and 4B

This clause inserts new section 13A and Part 2 Divisions 4A and 4B

13A—Reports and Budget

This clause requires the Executive Board to prepare and submit to the Minister an annual report, an annual budget and certain other reports The reports or budget must contain the information required by the regulations In relation to the budget, it must be submitted to the Minister for approval

Division 4A—Director of Administration and General Manager

13B—Director of Administration

This clause establishes the office of Director of Administration, and sets out certain grounds why a person may not be appointed to the office

13C—Functions of Director of Administration

This clause sets out the functions of the Director of Administration, which is to oversee the implementation, by the General Manager, of resolutions of the Executive Board

13D—General Manager

This clause establishes the office of General Manager, and sets out certain grounds why a person may not be appointed to the office.

13E—Functions of General Manager

This clause sets out the functions of the General Manager, which are to implement the resolutions of the Executive Board, take responsibility for the day to day operations and affairs of Anangu Pitjantjatjara Yankunytjatjara, and other specified functions

13F—Director of Administration and General Manager subject to direction

This clause provides that, if an administrator is appointed under section 13O of the principal Act, the Director of Administration and General Manager are subject to his or her direction

13G—Termination of appointment of Director of Administration or General Manager by Executive Board

This clause provides for the removal, by the Executive Board, of the Director of Administration and General Manager in certain circumstances, which are essentially the same as for members of the Executive Board The clause also allows the Minister to direct the Executive Board to terminate the Director of Administration and General Manager in certain circumstances

13H—Duty to exercise care and diligence

This clause requires that the Director of Administration and General Manager must exercise a reasonable degree of care and diligence in the performance of his or her functions

13I—Duty to act honestly

This clause requires that the Director of Administration and General Manager must act honestly in the performance of his or her functions.

13J—Duty with respect to conflict of interest

This clause sets out procedures that must be followed by the Director of Administration and General Manager in relation to any conflict of interest.

13K—Civil liability for contravention of section 13I or 13J

This clause enables Anangu Pitjantjatjara Yankunytjatjara to recover profits or compensation in relation to a failure of Director of Administration or General Manager to comply with proposed sections 13I and 13J.

13L—Appointment etc by General Manager

This clause enables the General Manager to appoint employees of Anangu Pitjantjatjara Yankunytjatjara in accordance with the approved budget, or with the approval of the Executive Board and the Minister

13M—Director of Administration, General Manager and employees of Anangu Pitjantjatjara Yankunytjatjara not subject to direction by member of Executive Board

This clause provides that the Director of Administration, the General Manager and any employees of Anangu Pitjantjatjara Yankunytjatjara are not subject to direction by an individual member of the Executive Board unless the member of the Executive Board is acting in accordance with a resolution of the Executive Board

Division 4B—Limited intervention by Minister

13N—Minister may direct Executive Board

This clause provides that the Minister may, if the Executive Board has refused or failed to exercise, perform or discharge a power, function or duty under the Act or the constitution and if such refusal or failure has resulted in, or will result in, a detriment to Anangu generally, or to a substantial section of Anangu, direct the Executive Board to take such action as the Minister requires to correct or prevent such detriment

13O—Minister may suspend Executive Board
This clause provides that the Minister may, if the Executive Board refuses or fails to comply with a direction of the Minister under proposed section 9D(4), 13A(3), 13G(4) or 13N, or if not less than 4 members refuse or fail to attend a meeting called by the Minister under section 11, the Minister may, by notice in the Gazette, suspend the Executive Board for a period specified in the notice or until further notice in the Gazette. The clause also sets out provisions relating to the appointment of an Administrator in those circumstances, the powers and functions of the Administrator and procedural matters related to the Administrator.

13P—Use of facilities
This clause provides that the Administrator may use certain facilities of the Public Service or a public authority.

13Q—Offences
This clause creates offences of hindering or obstructing the Administrator, or falsely representing to be assisting the Administrator. The maximum penalty is a fine of $5 000.

15—Substitution of section 14
This clause substitutes section 14 of the principal Act to require the constitution to be amended so as to be consistent with the principal Act as amended by this Bill, and that the constitution as amended (and whenever amended in future) be submitted to the Minister for approval.

16—Amendment of section 18—Rights of Anangu with respect to lands
This clause makes a consequential amendment.

17—Amendment of section 19—Unauthorised entry on the lands
This clause amends section 19 of the principal Act to enable a prescribed fee to be charged for applications for an entry permit, and to enable a person carrying out an action under proposed section 13N to enter the lands.

18—Insertion of section 19A
This clause inserts new section 19A, which provides that a person who is entitled under section 19(8)(a), (b), (ba), (c), (ca) or (da) of the principal Act to enter the lands for the purpose of carrying out, or assisting in carrying out, official duties or functions or providing a service is entitled to reside on the lands where that is necessary or desirable for the purpose of carrying out that duty or function or providing such assistance.

19—Amendment of section 20—Mining operations on the lands
This clause makes a consequential amendment.

20—Amendment of section 22—Royalty
This clause makes a consequential amendment.

21—Amendment of section 24—Certain payments or other consideration to Anangu Pitjantjatjara Yankunytjatjara must represent fair compensation
This clause makes a consequential amendment.

22—Amendment of section 26—The Mintabie Consultative Committee
This clause makes a consequential amendment.

23—Amendment of section 27—Exclusion of certain persons from the field
This clause makes a consequential amendment.

24—Amendment of section 30—Right of the Crown to continue its occupation of certain land
This clause makes a consequential amendment.

25—Substitution of section 35
This clause amends section 35 of the principal Act to change the name of the tribal assessor to the "conciliator".

26—Amendment of section 36—Disputes
This clause requires the conciliator to attempt to mediate a resolution in the first instance, and enable the conciliator to refuse to hear an appeal that is, in his or her opinion, frivolous or vexatious. The clause also makes consequential amendments.

27—Amendment of section 37—Order compelling compliance with direction of conciliator
This clause provides that if a person or body refuses or fails to comply with a direction of the conciliator, a party to the proceedings before the conciliator may apply to the District Court for an order to compel that person or body to comply with the direction. The District Court must, unless satisfied that the direction of the conciliator is unjust or unreasonable, make an order requiring the person or body against whom the direction was made to comply with the direction.

28—Amendment of section 42B—Depasturing of livestock
This clause makes a consequential amendment, and replaces an obsolete reference.

29—Insertion of section 42C
This clause inserts new section 42C, a standard immunity from civil liability clause.

30—Amendment of Schedule 3—Rules of election under section 9
The clauses of Schedule 3 make amendments to the election process, consequential upon the fact that there is no longer a separate election for the Chairperson in the electorate.
The clauses of the Schedule also makes other consequential amendments to the Schedule, and allow the costs of an election under section 9 of the principal Act to be paid out of the Consolidated Account.

31—Amendments relating to Anangu Pitjantjatjara Yankunytjatjara
This clause makes consequential amendments throughout the principal Act related to terminology and spelling.

32—Review of Act by Minister
This clause requires the Minister to cause an independent review of the operation of such part of the principal Act as may be amended by this Act to be conducted. The review is to be undertaken by a panel of 3 people (1 of whom must be Anangu) selected by the Ombudsman. A report must be submitted to the Minister, and laid before both Houses of Parliament. The review must take place and the report completed before the third anniversary of the commencement of clause 1 of the Bill.

Schedule 1—Transitional provisions
1 The clauses of this Schedule continue the persons currently holding the offices of Director of Administration and General Manager, whether or not they are currently referred to by those titles.

The Hon. I.P. LEWIS: Mr Acting Speaker, I need an explanation of the clauses.

The ACTING SPEAKER (Mr Koutsantonis): The member should receive a copy.

The Hon. I.P. LEWIS: By what arrangement have we decided not to do that? I am a member of this house. I am not a member of any political party or the other place. I have been given no information about this legislation.

The ACTING SPEAKER: It should be circulated now.

The Hon. I.P. LEWIS: Circulated now, and I am supposed to go on and debate it? Fair dinkum!

The ACTING SPEAKER: The member can move an adjournment if he likes.

The Hon. I.P. LEWIS: I move:

That the debate be adjourned.

There being a disturbance in the Speaker's gallery

The ACTING SPEAKER: Order! There will be no barracking in the gallery. Is the motion seconded? It is not, and the motion lapses. I understand that the minister will move for the suspension of standing orders.

The Hon. J.D. HILL: I apologise to the member. I thought the bill had been circulated. I am unsure where it is in the process.

An honourable member: It has been. We've got it.

The Hon. J.D. HILL: It has been circulated.

The Hon. I.P. LEWIS: The minister has not briefed me or even told me of his intention to go straight on and pass it the moment it was received here. The normal process is to leave it on the *Notice Paper*.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That standing orders be so far suspended as to enable this bill to pass through all stages without delay.

The house can debate whether or not that should happen

The ACTING SPEAKER: As there is not an absolute majority, ring the bells.

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

The ACTING SPEAKER: All those in favour say 'aye' Against?

The Hon. I.P. Lewis: No

The ACTING SPEAKER: There being a dissenting voice, there must be a division. Ring the bells.

While the division was being held

The Hon. M.D. RANN: Mr Acting Speaker, I understand that some concern has been expressed by an honourable member—and, indeed, another honourable member—about the lack of circulation In order to maintain the good spirit of the house, I am quite happy to ensure that the necessary delays occur for the matter to be readmitted on motion to give people a chance to look at this. I think that is only fair.

The ACTING SPEAKER: We will finish the matter of the suspension of standing orders, and the minister can move that motion

AYES (36)

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

NOES (2)

Hanna, K	Lewis, I. P. (teller)

Majority of 34 for the ayes

Motion thus carried.

The Hon. I.P. LEWIS: I have a point of order, Mr Speaker My point of order is quite simply that I propose to move the suspension of so much of standing orders as would prevent the second and third reading proceeding forthwith on the basis that, if I am to be denied adequate and appropriate briefing and insight into this legislation, I do not think anyone else should be able to grandstand in this chamber. If the government is going to play these kinds of bloody games, I do not think it should be allowed to get away with it without it going on the record. No-one should be able to grandstand if I am prevented from participating. The minister does not even have an explanation on the clauses from the other place to incorporate in *Hansard*

The SPEAKER: Order! The member for Hammond has indicated his opposition to the suspension motion by voting against it, so the matter has been resolved.

The Hon. I.P. LEWIS: We should go straight to the third reading forthwith.

The SPEAKER: It has been resolved that the second reading debate be now continued. The member for Morphett.

The Hon. I.P. LEWIS (Hammond): I move:

That the house go straight to the third reading of the bill

The SPEAKER: Order! The chair cannot accept that motion, which does not conform to the practice of the house and standing orders.

Dr McFETRIDGE secured the adjournment of the debate.

RIVER MURRAY (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 September Page 3556)

The Hon. R.G. KERIN (Leader of the Opposition): I support the bill, which seeks to make administrative and minor changes to the River Murray Act 2003 and two other acts—the Development Act and the Renmark Irrigation Trust Act. Having been briefed by the minister's office, I am satisfied that the amendments make sense I particularly support the change to the Development Act

The fact that all approvals for councils in the river catchment were referred to the minister, even if the development was in council but outside the basin, was a matter which caused some delay and complaint. A major change to the River Murray Act 2003 relates to a revision of the definition of 'activity', so that an activity can also mean a series of acts. I do not mind the recognition that cumulative acts may be more or equally damaging as an individual act.

Rather than go to committee, I would ask that the minister in her speech give us an assurance on a couple of things, unless some other member wishes to go into committee: first, that the department will interpret this particular change as it is intended and that there will be policing to punish deliberate or irresponsible behaviour; and, secondly, that there will be no abuse of this provision by any officers to advance any other agenda such as philosophical ambition of officers to current land use. I think that would be the only thing that some people would be worried about, and we can sort that out by the minister's giving us that assurance. I support the extension of the time frames but ask that we have similar assurances that this legislation is used to improve the ability to stop breaches of River Murray protection orders and not for other purposes.

I support the changes to the Development Act. It was probably an unintended consequence that all development approvals were dragged in, whether or not they were within the basin. I certainly support sorting that out. Over time, I would like us to look at perhaps going a little further in terms of the types of development involved, because I feel that some which will have to be referred to the minister will probably have no possible impact on the river I think that will cause delays.

We were told in the second reading explanation that, overall, these amendments will improve government service delivery and time lines. I certainly urge that that happens I know there have been some concerns, as is the case quite often, with the time it takes to go through the extra hoop that the River Murray Act created. There are reasons for that, but in many areas if it just causes extra time delays for no real purpose we need to try to ensure that that does not happen,

the substance of the legislation rather than making debating points about these relatively minor issues.

Clause passed

Clauses 3 and 4 passed

Clause 5.

Mr HANNA: This clause deals with interpretations and I want to rebut the unfair remarks by the minister about complete opposition to the bill, or words to that effect. There are some good things in the bill and some things which seem to be commonly agreed to among the traditional owners of the APY lands. One of them, for example, is the inclusion by way of formal recognition of the Yankunytjatjara and Ngaanyatjara people, and it is good to see the amendment that includes them. We commonly talk about the AP lands. I suppose more properly they are the APY lands. It is good to see that amendment. There are some common points. In relation to the reference to traditional owners of the lands, we see that 'Anangu' means a person who is a member of either the Pitjantjatjara, Yankunytjatjara or Ngaanyatjara people and a traditional owner of the lands or a part of them. There has been a lot of talk about consulting the Anangu, and therefore it means consulting all the traditional owners, not just those who happen to be elected from time to time to the executive. It was the member for Giles who referred to two factions on the APY lands. I do not need to go into that or debate it.

Certainly, we can be sure that, whoever is elected to the APY executive, there are going to be traditional owners there but there are also going to be a whole lot of other traditional owners, quite possibly with different points of view and different interests. This is where the consultation issue arises because, as the Hon. Kate Reynolds has pointed out in the Legislative Council and the member for Newland has pointed out in this house, while the government promised that the issues contained in this legislation would be taken round to each community, it is quite clear that not every community had the benefit of a detailed explanation of what is in the bill.

There does seem to be widespread awareness of the issues about how long the term of the executive should be, about whether it should be one, two or three years, and there does seem to be widespread awareness of the issue about inclusion of Yankunytjatjara and perhaps one or two other things. However, where there does seem to be a terrible gap is in terms of consultation about the power of the minister to intervene, and we will come to that later in the proposed new sections 13N and 13O. There is another issue in relation to traditional owners, and I want to specifically ask a question about the views and interests of women. I referred earlier to the fact that, when written submissions were invited from the public in relation to the bill, as far as I am aware there were two Anangu organisations that responded formally and they were organisations that represent women, to a large or complete extent, the Women's Council and the health service.

The health service does cater for men as well but, when it comes to the difficult and heartbreaking issue of domestic violence, the Nganampa Health Service is really the key agency. If those organisations considered that they would need a couple of days to really appreciate what was in this legislation, what it might mean in terms of fewer land rights or the minister intervening in certain circumstances, then it is hard to see how the legislation we have before us takes that into account. Now is it the case that the minister says that they have got it wrong? Is it the case that their views in some way have been directly taken into account in the framing of this legislation?

The Hon. J.D. HILL: The advice I have is that all the submissions that were presented, including the one from the women's council, were taken seriously and considered appropriately.

Mr HANNA: I move:

Page 4, after line 2—Insert:

Aboriginal Lands Parliamentary Standing Committee means the committee of that name established under the Aboriginal Lands Parliamentary Standing Committee Act 2003;

The purpose of this amendment is to simply provide a reference point to the Aboriginal Lands Parliamentary Standing Committee so that when later amendments arise which refer to that body it will be defined in the act. It is as simple as that. Members would be aware of the committee. It was created in 2003, following the unfortunate history in the previous government where the relevant parliamentary committee had not, if ever, met. There was a fresh determination on the part of the government—and I give credit to it for this—to initiate a working Aboriginal lands committee.

It is really perhaps a bit broader than just the Aboriginal lands. We are really talking about a parliamentary committee which has a function of getting to know the views, the issues and the problems of Aboriginal people throughout South Australia. That has a twofold consequence. One is that there becomes a body of members of parliament in this place who are familiar with those issues and, one would hope, have an understanding and compassion as well. Secondly, it means that when there is legislation such as this to be dealt with, that body of members can actually inform others based on what they have seen and heard.

I would say it is actually one of the most hardworking committees in the parliament. Not many parliamentary committees go out of Adelaide on as many trips as this committee. I am certainly not referring to what the media would call 'junket trips'. I am talking about some quite rugged excursions to the north-west parts of South Australia and to places which are not as comfortable as we would enjoy in Adelaide. It is a worthwhile committee. I have certainly been honoured to serve on it, and it has deepened my understanding of Aboriginal people, their point of view, and their history.

I say all of that to put in context the later amendments, which refer various matters to the Aboriginal lands committee in certain circumstances. For example, if the minister does or does not do certain things, particularly if the minister goes against decisions of the Anangu, those are matters that should be referred to the Aboriginal lands committee. Clearly, there will be several amendments that are consequential upon this one.

The Hon. J.D. HILL: I indicate that the government does not support this amendment. I understand that this amendment, even though it is first, is consequential on some more substantial amendments which come later and which require the committee to do certain things. The government does not support that, because it creates a process that we believe is unnecessary. I understand from the opposition spokesperson, who is a member of the committee that is referred to in the amendment, that this is not a position that the committee holds. The amendment was moved in the other place by the Hon. Kate Reynolds, I understand, and it is now being moved in this place by the member for Mitchell. I am not sure what consultation either of those members has had and who is pushing for this, but it is certainly not something that has been directed at the government, as I understand it. I indicate

that we are not supporting this amendment, nor are we supporting other amendments

Mr HANNA: Now I am speaking to the amendment, not the clause I simply answer that by saying that it is another level of accountability, and that is certainly an issue that has been raised with me by those representing some of the traditional owners on the lands It has been put to me: how can we be sure that the minister will do the right thing if the minister intervenes? Clearly, this is a solution—or, at least, part of the solution: to have a cross party parliamentary committee look at those instances where the minister goes against the wishes of Anangu. The government has declared its position I feel that this is one of the important amendments that have been put forward The Aboriginal lands committee, I believe, has been appreciated in the Aboriginal lands, which we have visited and spent time with people to understand their concerns It would be, I suggest, well received by Aboriginal communities throughout South Australia if this were accepted There cannot be anything wrong with another level of scrutiny through the Aboriginal lands committee.

The committee divided on the amendment:

The CHAIRMAN: There being only one member for the ayes, I declare that the question passes in the negative

Amendment thus negatived

Mr HANNA: I reiterate that, apart from my amendment, I do have some questions about the clause I am just clarifying that I deal with the amendment first.

The CHAIRMAN: The minister's amendment is the next amendment.

Mr HANNA: I do not want to hold that up!

The Hon. J.D. HILL: I move:

Page 4, line 6—
Delete 'Ngaanyatjara' and substitute:
Ngaanyatjarra

This amendment changes the spelling of Ngaanyatjara. I would be hard pressed to say that word correctly, I think, but there are a couple of ways of spelling it. I understand that there has been a debate about which is the correct way. The spelling that is now before us is, I understand, that which has been agreed to by a variety of parties who have discussed this.

Mr HANNA: I will, of course, be agreeing with the minister's amendment I just want to make the point that, as far as I am concerned, this reflects on the lack of consultation, and I just draw the attention of the house to a few facts An organisation known as PY Media is an organisation run by Aboriginals, which covers the APY lands Its web site, www waru org, has zero hits on it for the spelling of Ngaanyatjara (which was originally in the bill), and 119 hits for Ngaanyatjarra as proposed in the minister's amendment. In other words, that organisation should know how to spell it if anyone does

I note that the NPY Women's Council's constitution also has the spelling as it appears in the minister's amendment and not the bill. That is how it appears in all of the council's documents, which is the peak body for Anangu women on the APY lands and contiguous regions The body that the task force contracted to provide interpreter services to the APY lands, called the Institute for Aboriginal Development, does not spell it like it appears in the original bill either. So, my point is that, with a bit of consultation and appropriate research, the preferred spelling of the term would have become clear But I do acknowledge that the minister has come into this place to correct that anomaly I appreciate the fact that he has done so, and the Greens would be very happy to support that amendment

The Hon. D.C. KOTZ: I have a question for the minister in terms of the re-interpretation of the word 'Anangu'. Can I ask the minister what is his version of the interpretation of the word 'Anangu'? Throughout the bill we talk about Anangu Pitjantjatjara. I ask the minister whether he can tell me the interpretation that the government is using of the word 'Anangu'.

The Hon. J.D. HILL: I am not entirely sure of the point of the member's question because in section 4 it says that Anangu is a person who is a member of the Pitjantjatjara Ngaanyatjara people, and is a traditional owner of the lands or a part of them. I would have thought that that was pretty clear

The Hon. D.C. KOTZ: That is why I am interested in your interpretation, because if you look at the primary act the word 'Anangu' was never meant to indicate an individual person. As far as I am aware, the word 'Anangu' means people, and when you refer to Anangu Pitjantjatjara you are talking about people of the Pitjantjatjara. In the primary act, Pitjantjatjara was described and interpreted quite differently Obviously, there is a change here Where you talk about Anangu meaning a person who is a member of Pitjantjatjara, etc., the primary act speaks about Pitjantjatjara meaning a person is a member of Pitjantjatjara, Yankunyatjara and Ngaanyatjara

The Hon. J.D. HILL: I think you will find under the Acts Interpretation Act that singular means plural generally in legislation, and I guess that will apply So, Anangu could mean a person or a group of people The point is, it is trying to define those groups of people who have rights on the land, and they are defined in that definition

The Hon. D.C. KOTZ: I do not make this particular point to be pedantic, but later on in the new act you talk about deleting a section, being a part of the lands of Anangu Pitjantjatjara, and substituting, 'To an Anangu and an organisation comprised of Anangu', but the cultural interpretation that I am aware of is not singular, it is in fact the people of. So, when you get to the latter part of the act, I am not really sure what you are talking about when you substitute that certain lands are vested in Anangu It does not make a great deal of sense unless there is a clarification of the word Anangu But it is my understanding that the word means people, it does not mean an individual.

The Hon. J.D. HILL: All I can tell the member is that the definition is as it is in the legislation, so that it refers to a person from one of those groups, or people generally I note that the member for Mitchell's amendment No. 5 is to delete subclause (2) and substitute 'a period not exceeding 99 years in respect of any parts of the land to an Anangu or an organisation comprised solely of Anangu' I think his amendments accept that it refers to a particular person from that community or the group collectively I can understand that the member is making a valid point, but I cannot see that there is any particular problem with the definitions we have, because they just make it clear who has rights

The Hon. D.C. KOTZ: I accept the minister's answer. I also hope that the Anangu do, because it may be a matter of what this government decides to do in a bill and by this change makes it so, but the fact remains that the cultural aspect of the language itself does not agree with the new interpretation that this government has in this bill

Amendment carried

Mr HANNA: I move:

Page 4, line 25:
After "Yankunytjatjara" insert:
or by an Administrator

I include there a reference to an administrator. One can really only understand the amendment by reference to subclause 5(6) of the bill. I will just read that out so that we can make sense of the amendment:

If a provision of this Act specifies that an act may be done or a resolution made by Anangu Pitjantjatjara Yankunytjatjara at an annual or special meeting, that act may not be done, or the resolution made, by the executive board on behalf of Anangu Pitjantjatjara Yankunytjatjara

The purpose of the subclause in the bill, which is a good one, is to say that where it is specified that a resolution of an annual or special general meeting is required, and there are a few instances of that throughout the legislation, then the executive by itself cannot do that. It might seem obvious, but it is one of those governance provisions where the obvious is stated so that there is no doubt. What I am suggesting is that, after the reference to Yankunytjatjara, in other words, at the end of it, we should have the reference to an administrator, so that acts which can only be done by an annual or special general meeting of the Anangu cannot be done by an administrator who is called in by the minister.

So this is a reference to those measures later on, about which I have grave concerns, where the minister can step in and override what the executive is doing. So what we are saying is that, if an administrator is appointed to act in the place of the executive, they are bound in the same way as the executive is bound in respect of matters which require a resolution of an annual or special general meeting. To take an example, there is the adoption of a code of conduct. I think that is one example where a code of conduct about how the Anangu executive are to operate is to be adopted at a general meeting. It should not be the case that an administrator appointed by the minister to override actions of the executive can come in and change or tear up or create a code of conduct. That is something for the Anangu as a whole.

That is the purpose of the amendment. It is to put beyond doubt that there is that limitation upon an administrator if such a person is appointed by the minister in those extraordinary circumstances as defined in the proposed new section 13N and 13O.

The Hon. J.D. HILL: I indicate that the government does not support this amendment. I am advised the amendment is unnecessary as the administrator receives the power of the executive board and can only act in circumstances when the executive board has the power to act.

Mr HANNA: The funny thing about that is that the same argument applies to the provision that is in the bill, because where there are resolutions required by an annual or special general meeting, by the minister's argument, they could not be made by the executive alone. So the very subclause 5(6) to which I have referred is as redundant as the amendment. But if we have one we should have both.

The committee divided on the amendment:

AYES (2)

Hanna, K. (teller)	Lewis, I. P.

NOES (33)

Atkinson, M. J.	Breuer, L. R.
Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Caica, P.
Chapman, V. A.	Ciccarello, V.
Evans, I. F.	Foley, K. O.
Geraghty, R. K.	Gunn, G. M.
Hill, J. D. (teller)	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Lomax-Smith, J. D.	McEwen, R. J.
McFetridge, D.	Maywald, K. A.
Meier, E. J.	O'Brien, M. F.
Penfold, E. M.	Rankine, J. M.
Rann, M. D.	Redmond, I. M.
Scalzi, G.	Such, R. B.
Thompson, M. G.	Venning, I. H.
Weatherill, J. W.	Williams, M. R.
Wright, M. J.	

Majority of 31 for the noes.

Amendment thus negatived.

Mr HANNA: After that experience, I now return to my questions on the clause. The interpretation section of the bill refers to a director of administration and a general manager, and those positions are described in more detail in proposed new sections 13B and 13D. The problem I wish to bring to members' attention is the fact that we have done nothing more here than redefine a manager for the administration carried on under the auspices of the APY executive. After my first tour of the APY lands a year or two ago, I came to the view that probably what would be required to begin to solve the problems of resource distribution and allocation on the lands would be to have some kind of ombudsman on the lands—someone living on the lands who had a huge degree of authority to work with both state and commonwealth agencies to pinpoint where the money needed to be spent, to ensure that the money was actually obtained when it was promised, and to ensure that programs were actually put into effect.

As it turns out, I subsequently have had discussions with some prominent Aboriginal people who believe that is a good idea, and it is probably an essential requirement of getting the money spent properly on the lands. When I say 'spent properly', I do not mean that the APY executive or anyone there at this time is spending it improperly in a dishonest way. I mean that the money needs to be spent in a coordinated way. I am not talking about the Jim Litster experience or the Bob Collins experience, or even the Lowitja O'Donoghue or Tim Costello experience; I am talking about someone who does not fly in and out and send off reports to Adelaide or Canberra. I am talking about someone with real clout. Whether you call that person an ombudsman or an administrator I do not mind too much. The point is that they are not there to tell Anangu what to do. They should be there to tell the state and commonwealth bureaucrats what to do.

After the decisions are made by the state and federal government about how much is to be spent on the various programs—whether they be health, policing, child welfare, or whatever—then there needs to be someone to ensure that, first, that money is available to Anangu to spend; and, secondly, to see that it is spent in a coordinated way. Let me give an example. We talk about there being disorder on the lands, petrol sniffing and so forth. Obviously part of the solution is police. For many years, the Police Commissioner and Anangu have said that we need police living on the lands, not people who come and go and not people who drive in for one night and drive out again. We need people living on the lands so that they are available and when we call they will come.

In order to do that you need housing. This is part of the problem with funding on the APY lands. You can have a

promise that X million dollars will be spent If you say that you will spend it on more police on the lands but you do not have the housing, then it will not happen. It cannot be just any old ruin: it has to be housing of a reasonable standard—not to make it better than the house down the street but simply to be of a standard that will encourage police to live there. After all, the Commissioner can ask people to go up there—I suppose the Commissioner can order people to go up there—but if they are not happy, they will not last. We need people to reside on the lands I give that example in relation to police, but the same applies in relation to youth workers, health workers and so on

I cannot resist the opportunity to observe that the bill represents a missed opportunity I suppose what I should be doing is moving a further amendment to have such a position created in this legislation, and it would be defined in the interpretation section of the bill Instead, we have a couple of very standard routine positions to administer the day-to-day running of the lands under the APY executive With those comments, I am prepared to leave that clause Is there any possibility (as foreseen by the government) of there being some such ombudsman or administrator appointed, in consultation with Anangu of course, as a means of ensuring that money is not only spent appropriately but is coordinated when it is spent on the lands?

The Hon. J.D. HILL: The advice I have is that the government has already appointed a service coordinator As to whether or not an ombudsman—an additional position—is required, I will refer to my colleague in another place and ask him to look at the idea I guess all these suggestions are worthwhile It then becomes a matter of resourcing. Do you put more money into those kinds of things, or do you put it into services on the ground? I suppose, in an ideal world, you could put all these things together, but it becomes a matter of priority I am happy to refer it to my colleague in the other place.

Clause as amended passed.

Clause 6.

Mr HANNA: I move:

Page 4, lines 30 and 31—Delete paragraph (a) and substitute:

(a) to acknowledge and support Anangu ownership of the lands and to make provision for that support;

This gets back to the issue of who is responsible for provision of services on the lands and how the hell they can do it without resources.

We are dealing with a clause in the bill which concerns the objects of the act In other words, what do we as a parliament and what do the Anangu want to achieve through this legislation? The way it has been expressed it does acknowledge Anangu ownership—that is good, and we all agree with that It sets up the APY as a body corporate and sets out its powers and functions and also seeks to provide for efficient and accountable administration and management—well, there is no dispute about any of that

But does that go far enough in what we are trying to achieve with the legislation? I suggest that we actually want to achieve more than just setting up some machinery; we actually want to provide the support so that we can get the results we ultimately want—less suicide, fewer bashings, less petrol sniffing, and so on. That cannot happen without support and, therefore, I am echoing an amendment moved in the Legislative Council which provides that not only should we acknowledge Anangu ownership of the lands but that we should also say that it is a goal of the act (technically called an object of the act) to make provision for supporting Anangu ownership. It cannot happen without support.

In moving this motion I acknowledge that the Hon. Kate Reynolds has moved many of the amendments I will move (and I have additional ones that were not moved in the Legislative Council), and I thank her for the work that has been done Certainly, the Greens and the Democrats have a very cooperative attitude in relation to this issue.

I cannot understand why the government or opposition would not support this as an object of the act Why would we not want to say that we would support Anangu ownership and that we would make provision for that support? It is a commitment of the most general possible kind that somehow logistically we will provide the resources through budgetary means so that ownership of the land is not a mere technicality, but that it is a functioning community up there That is what we really aim for, and it cannot be done without the provision of support. It might mean training or it might mean the funds to spend money on policing, child welfare or health services and so on; however, I am not even getting into that level of detail because the objects are at the most general level Surely provision of support, putting it in its most general terms, is an object with which we would all agree.

The Hon. J.D. HILL: The government does not support the amendment and there are two reasons for this First, the objects in the bill that the government is presenting were determined through consultation with the APY executive, so they are the words that they prefer The other is a legal nicety; that the object of the act in the bill states that the act is to provide for and subsequently acknowledge Anangu ownership of the lands. The amendment of the member for Mitchell suggests that the objects in the bill would be amended to state that the act acknowledges ownership In fact, the advice I have is that this would misrepresent the fact that legal title to the land was granted under the 1981 act to AP as a body corporate.

Mr HANNA: In respect of that point, I have a different position from the government. After all, the bill itself talks about acknowledging Anangu ownership of the lands I am talking about acknowledging it and making provision to support that ownership At least we are all agreed that there should be acknowledgment of Anangu ownership. What I am talking about is ensuring that we all have a commitment to supporting that ownership, not just through legislation but through the logistics necessary to provide management and coordination on the lands I would not have thought that that was too much to ask

The CHAIRMAN: The question is that the amendment be agreed to—declared negatived

Mr HANNA: Divide!

While the division was being held.

The CHAIRMAN: There being only one vote for the ayes, I declare the amendment lost

Amendment thus negatived; clause passed.

Clause 7.

Mr HANNA: This is a very significant clause in relation to white fellas changing the way in which the AP executive does its business Section 5 of the current legislation requires documents of legal significance to bear the signatures of five members of the executive The bill waters down the section dramatically and provides that the APY must either have on its documents the signature of six members of the executive or (and this is the crucial part) 'any two of the following: the Chairperson, the Deputy Chairperson, the Director of Administration, the General Manager' As the bill stands, the

chairperson and deputy chairperson will be Anangu, but the director of administration and the general manager may well not be Anangu

So, you can have two white managers up there who, by themselves, can go out on behalf of the APY executive and sign off on major legal contracts It is no good coming back later and saying, 'Maybe not all Anangu agreed with that.' If the two white fellas in that scenario have signed off on behalf of the APY, that is it It can be relied on in a court of law and, although a company or individual may have done a deal with the APY, because these two white fellas have signed off on it that is it, and the APY are bound by it. Anangu do not want that. They do not want white fellas doing the business for them. That is not the purpose of this legislation, and it should not be allowed. Therefore, I move:

Page 5, line 15—Delete 'any 2 of the following' and insert:
2 of the following (1 of whom must be the Chairperson or the Deputy Chairperson)

The amendment suggests that at least one of the two people required to sign a legal document must be the chairperson or the deputy chairperson So, at least one Anangu has to be involved in signing a significant legal document. This is just a small measure of support to ensure that two white fellas will not go up there (whether they be men or women, I will call them 'white fellas') and run things for the Anangu by signing off on their legal documents. It is to ensure the continuing involvement of Anangu themselves in their most significant legal dealings that I bring this amendment to the committee

The Hon. J.D. HILL: My advice is that this is a standard provision and is only an evidentiary provision which creates a presumption in the absence of proof to the contrary, and it compares with section 12, which creates a conclusive proof. As such, in view of the AP's request to make execution of documents less difficult, there seems little need to restrict execution in the manner proposed by the amendment I indicate that the government does not support the amendment

The committee divided on the amendment:

AYES (3)

Hanna, K (teller)	Kotz, D C
Lewis, I P	

NOES (19)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Foley, K O	Geraghty, R K.
Hill, J. D. (teller)	Key, S. W
Koutsantonis, T	McEwen, R. J.
McFetridge, D	Meier, E J.
O'Brien, M. F.	Rankine, J. M.
Scalzi, G	Thompson, M G.
Venning, I. H.	Weatherill, J W
Wright, M. J	

Majority of 16 for the noes

Amendment thus negatived

Mr HANNA: I would say that, in the absence of that amendment passing, we would be better off leaving it as it is and maintaining the current situation where five of the executive need to have signatures on a document, if it is to be binding on the whole of the Anangu Getting the signatures of five members is not too much to ask: if you simply wait for an executive board meeting you will get five people, and it is not a bad thing if the assent of five people is required before Anangu as a whole is taken to be bound by a legal document

The Hon. D.C. KOTZ: Before we accept the clause, I want to comment on why I supported the amendment I do not know whether members understand what is going on here, but this clause is one of the most aggressive means I have seen of anyone trying to make sure that the people who actually own a piece of property do not get the opportunity to vote. This clause says that six members of the executive board can be used as signatories on an evidentiary document, and the six members who then are Anangu Pitjantjatjara, but then the clause also says 'or any two of the following' Two of the following are the director of administration and the general manager, neither of whom are Anangu Pitjantjatjara You are talking of putting white people in there to make decisions on behalf of Anangu Pitjantjatjara without the people themselves being able to make that decision. That is why I supported the amendment to this clause, because to have the status quo as the clause stands now is totally objectionable

The Hon. J.D. HILL: I find it extraordinary that a white member of parliament would say that the Anangu Pitjantjatjara people, the executive which has said that it wants this clause, do not know what they want themselves The point I make is that the director of administration might sound like a white title, but it is actually a position occupied by an Anangu person The honourable member should check out the facts before making such statements.

Mr HANNA: It is a scenario that can be readily imagined: that the director of administration and general manager might end up being whitefellas. It happens at the moment in respect of a number of communities where the MSO (municipal services officer) is white, and I can tell you what happens in many cases because I have seen it and heard it from the Anangu themselves The Anangu people are not stupid They have a good grasp of what it takes to manage their community They know what they want.

Regardless of whether or not they are Aboriginal, leaving aside that factor completely, when you have someone who says, 'I've been trained up, I know the law, I've been to business school, law school or university and I'm telling you we need to sign this document or else there's going to be big trouble, we're going to lose $10 million of funding—here, you better sign this', with that sort of bluffing that goes on (and it has happened in those communities up there), you will find in unfortunate cases Anangu being bluffed deceitfully by whitefellas who go up there.

For their own motives, whether to make a buck out of it or whatever, we will find some unscrupulous behaviour. I am not referring to anyone involved with the APY Executive presently. I acknowledge that what the minister says is true: that we have a staff member at present who is Anangu, and that is fine, but it is not too hard to imagine in future that we will have two whitefellas in those positions I am suggesting that we can then have a situation where you have two whitefellas signing off on major contracts and the Anangu being bound by that. That is not a situation that we want to see happen, which is why I will be opposing this clause.

The committee divided on the clause:

AYES (18)

Atkinson, M J	Breuer, L R.
Caica, P	Ciccarello, V
Foley, K. O.	Geraghty, R K
Hill, J. D. (teller)	Key, S W
Koutsantonis, T.	McEwen, R. J
McFetridge, D	Meier, E. J
O'Brien, M. F	Rankine, J M

AYES (cont)

Thompson, M. G	Venning, I. H
Weatherill, J. W.	Wright, M J

NOES (3)

Hanna, K (teller)	Kotz, D. C.
Lewis, I. P.	

Majority of 15 for the ayes

Clause thus passed.

Clause 8.

Mr HANNA: I move:

Page 5, lines 27 to 29—Delete subclause (2) and substitute:

(2) Section 6(2)(b)(i)—Delete 'any period it thinks fit, in respect of any part of the lands (being apart of the lands vested in Anangu Pitjantjatjara) to a Pitjantjatjara or an organisation comprised of Pitjantjatjaras' and substitute:

A period not exceeding 99 years, in respect of any part of the lands to an Anangu or an organisation comprised solely of Anangu

The mischief that this amendment goes to is the possibility of mining companies (or others) creating shadowy companies which have Anangu officers and members to take advantage of the provisions restricting corporations in their activities on the lands; in particular, I refer to the obtaining of leases or licences from the Anangu In other words, I want to ensure that, if the Anangu are going to give a lease or licence to a corporation which wants to come onto the land to do business for whatever reason (whether it be commercial, mining, or whatever) then it should be a corporation which is genuinely Anangu. We do not want any deception That is the purpose of the amendment

The Hon. J.D. HILL: The advice I have is that the APY executive requested that land issues not be dealt with in this set of amendments and that they be dealt with in the next set of amendments, except for the issue of short-term leases. Originally, they were five year leases. The agreement in the legislation is that it goes to 10 years, subject to a special meeting

Amendment negatived; clause passed.

Clause 9

Mr HANNA: I move:

Page 6, after line 31—Insert:

(1a) Section 8(3)—delete 'shall be held not more than 15 months after the last preceding annual general meeting' and substitute:

must be held in September or October of each year

The amendment refers to that part of the bill concerning general meetings The amendment, in particular, inserts a new subclause. It requires the annual general meeting to be held in September or October of each year. The reason for that is that the current requirement of meetings being held not more than 15 months after the last preceding annual general meeting means that annual general meetings can be held very late in the year.

It is a simple point. However, the key to this is that, once you get past November, there is often business to be done on the lands or in the regions contiguous to the lands, and a very large number of people go off to do that traditional business So, December, January or February are not good times to call an annual general meeting. The simple device that I seek to insert here is that the AGM has to be in September or October of each year. We now have fixed terms for our state parliament, and state elections are to be held on the third Saturday in March every four years All I am suggesting here is that the AGM would have to be in September or October of each year

There is an added benefit of this By simple reference to the constitution, one can see that the AGM has to be in September or October. I suspect that, over the years, it would become ingrained in people's minds: 'Okay, it is September or October; that is when we have to have the AGM,' rather than thinking back to, 'Well, when was the last AGM? The next one has to be not more than 15 months away' I submit that this is a simple way of going about it. Let us spell out which part of the year it ought to be. That way, we avoid the problem, in terms of a meeting, of the demands of traditional business.

I fully respect those demands. I think everyone who has any understanding of Anangu would appreciate that. Of course, one cannot do anything about people going away for funerals, and that sort of thing, and the sorry business attached to that. One cannot foresee that But there is some stuff that happens at the end of the year during the hottest part of the year which we do know about: it happens every year Let us avoid those months and stick to September or October each year

The Hon. J.D. HILL: I indicate to the member that the government does not support his amendment. The government believes that this matter is more appropriately dealt with in the APY constitution Setting such a date in the act may be overly restrictive in view of the need to allow for flexibility, for example, in relation to business and funerals and so on, which may need to be accommodated on the land in any particular year. It is also the government's view that this would not be an appropriate amendment without first undertaking extensive consultation with the Anangu as to whether such an amendment would be practical I do not believe that that consultation has occurred.

Amendment negatived

Mr HANNA: I move:

Page 6, after line 41—Insert:

(3) Section 8—after subsection (4) insert:

(5) Despite any other provision of this act, a quorum of an annual general meeting of Anangu Pitjantjatjara Yankunytjatjara is 100 people, which must include not less than 10 members from each of at least six electorates (and, to avoid doubt, a resolution made at a meeting that is inquorate is void and of no effect)

(6) The Executive Board must have accurate minutes kept of an annual general meeting or special general meeting of Anangu Pitjantjatjara Yankunytjatjara

(7) Any Anangu is entitled to inspect (without charge) the minutes at the places on the lands, and during the times, nominated by the Executive Board and approved by the minister.

(8) Any Anangu is entitled, on payment of the fee prescribed by the regulations, to a copy of the minutes

This is another addition to what is in the bill Once again, I note that this has been attempted in the upper house. I am hoping that there will be more support in the House of Assembly There are several subsections hereby added to section 8 I will go through each one. The first is that a quorum of an annual general meeting should consist of 100 people, which must include not less than 10 members from each of at least six electorates

The background to that I can briefly explain. Ten electorates were drawn up in the last piece of legislation concerning the APY lands. Obviously, those 10 electorates cover a range of communities Different families and even slightly different languages are involved. Obviously, at an annual general meeting you want a cross-section of all the people who live on the APY lands—all the people who are covered by this legislation Another issue is the quorum itself. I am suggesting that there should be a minimum number of 100 people at an AGM, and that number is certainly achievable The precise

population of the APY lands is probably impossible to say. There is probably no one correct number when it comes to population on the lands. It fluctuates, and everyone knows that. We might be talking anywhere between 2 000 and 3 000—maybe more than 3 000 at various times. Out of that number of people you would think that you would be able to get 100 people. The point of it is that you need a broad cross-section if the annual general meeting is to come up with decisions that affect the entire 3 000, or however many people are on the lands.

That is the point of that first part of the amendment. The second part of the amendment that I am putting forward insists that the executive must have accurate minutes kept of an annual general meeting or special general meeting of the APY. That does not mean that the chairperson or the deputy chairperson must sit there writing out everything that is said, but it does mean that the executive must at least arrange for minutes to be taken and kept of these general meetings. That can be quite important, because, in recent times, we have had disputes about exactly what transpired at these general meetings.

A recent example was to deal with the consultation on this very legislation where there was a dispute. Was a motion passed when a proposition concerning this bill was put? I am informed by an eye witness that there was a 32-32 tied vote. The resolution was put again, and it was 100 per cent unanimous one particular way. The details of the debate of that day do not matter right now. The point is that you could have supporters of one side coming out after that meeting saying, 'But the proper result was a tied vote', and you could have other people coming out of that meeting (as they did) saying, 'Look, it was 100 per cent unanimous. We have 100 per cent support.'

You cannot have an evenly divided vote and 100 per cent support. I am giving that as a real-life example to show why it is essential to have the minutes kept. In practice, that might be done by one of the clerical officers, perhaps by the Director of Administration or the General Manager. It does not really matter who does it, but it does give an obligation to the executive that those minutes must be kept. Thirdly, an entitlement is given to Anangu to inspect without charge, that is, without having to pay for the minutes at places on the lands nominated by the executive and approved by the minister.

The point of that is that there is no point keeping minutes of the general meetings if they are stored only at Umuwa. Someone from Pipalyatjara says, 'I want to see the minutes.' If there was a dispute between that person out in the west and someone at Umuwa (the executive), you would not want the executive to say to that person out west, 'Well, you have to come into Umuwa and you can have a look at the minutes right here in front of us.' You actually want some sort of a fair system so that the minutes are available to the various communities. So, that is what that particular amendment is about. It is just to make sure that everyone on the lands is going to have a fair opportunity of having a look at the minutes of the general meeting. That is going to help everybody because it is going to solve disputes about what happened.

Fourthly, a very similar amendment—any Anangu is entitled on payment of the fee prescribed by the regulations to a copy of the minutes. So, taking those two together, we are saying that the minutes should be available for inspection at various places—perhaps each of the communities across the lands—but if you want to get a copy of the minutes you might have to pay a small fee. It might be $5, but that is just to stop, say, 1 000 people all requesting a copy of it, and getting all that paper generated when it is not strictly necessary.

So, this is a provision about the general meetings to make sure that they are run better. They have a better cross-section of people coming along to them so that we know that they are truly representative if major decisions are taken. And we want to make sure that minutes are available for all Anangu, and that will prevent debates and disputes about what happened, what was said, and what was not said at the various general meetings. With that, I commend the amendment to the house.

The Hon. J.D. HILL: The government does not support this amendment. Regarding the first matter, subsection (5), I am advised that the matter of the quorum is dealt with in the AP constitution. Regarding the other three subsections, I am advised that these matters could also be dealt with in the constitution. Corresponding provisions regarding the provision of minutes for executive meetings appear in the bill, but this is because the executive has the power to exclude Anangu from executive meetings. All Anangu may attend general meetings of AP, so it not considered necessary for formal access to the minutes of these meetings to be enshrined in the act in the same manner.

I will make a more general point. The chief criticism of the government in relation to this bill is that it is putting in some provisions which have not been the subject of adequate consultation with the people, yet the amendments which originated from the Hon. Kate Reynolds in the other place and which are now being moved here would seem to me to suffer from exactly that problem. These are ideas that members might think are good, but they are not ideas that have generated out of the community. I would ask the member to think carefully about the things that he is raising in here, because in some ways I think they are slightly patronising: they are telling a community how it should run its business, and they are matters which are really properly the subject of the constitution of that body, which it can determine.

Amendment negatived; clause passed.

New clause 9A.

Mr HANNA: I move:

Page 6, after line 41—Insert:

9A—Insertion of section 8A

After section 8 insert:

8A—Special Report

(1) The Executive Board must, at each annual general meeting, present a report on the operation of the Executive Board.

(2) The report must contain—

(a) the information prescribed by the regulations; and

(b) be made available to Anangu in the form specified in the regulations.

(3) An Anangu is entitled to inspect (without charge) the most recent report presented under this section at the places on the lands, and during the times, nominated by the Executive Board and approved by the Minister.

(4) An Anangu is entitled, on payment of the fee prescribed by the regulations, to a copy of the report.

(5) This section is in addition to, and does not derogate from, any other provision of this or any other Act requiring the Executive Board to provide a report.

This is not in the bill at the moment. It is a requirement that the executive must at each AGM present a report on the operation of the executive. So, it is a straightforward accountability measure. I do not know why the government would oppose that. The amendment further states that the report must contain the information prescribed by the

regulations and be made available to Anangu in the form specified in the regulations. Of course, I do not make the regulations, but if I can get this through, it is up to the government to specify exactly what should be in the report. One would expect it to include things like the number of times the executive met, perhaps who turned up to the executive meetings, and perhaps some summary of the minutes of the executive. It would not necessarily be rehashing everything that the executive has decided, but that is the sort of thing that might appear in the report. That would be up to the government to work out with Anangu what sort of information would be best provided at the AGM, but it is part of providing a bit more structure at the annual general meetings so that there truly is accountability, and there seems to be general agreement that we do want to see increased accountability. There is no real problem with that.

The other aspect to the amendment is an entitlement for Anangu to inspect the most recent report from the executive at various places on the lands which will be nominated by the executive and approved by the minister. Again, the idea of that is that you might get a copy of the most recent report at the administrative office around each one of the different communities. It might be 10 or 12 communities where you might have that report held at the office and available for inspection. I think it is just a measure which will increase accountability. People want to know what the executive gets up to, and I do not mean that in a sinister way. I just mean that people want to know how the executive operates and it is simply a matter of the executive being up-front about that when they come along to the AGM.

The Hon. J.D. HILL: The government does not support these additions. I advise that the measures in large part are covered already in clause 14 which is on page 18, and in particular I refer to section 13A(1) and (5) and 13A(4)(a) and (4)(c).

The committee divided on the new clause:

The CHAIRMAN: There being only one vote for the new clause, it is lost.

New clause thus negatived.

Clause 10.

Mr HANNA: I move:

Page 7, line 4—
Delete '10' and substitute:
11

This is one of those amendments where the substantial part of it comes up later. It is an amendment about the electorates. As I have already mentioned, there are 10 electorates up on the lands, up in Kulka. There are people who believe that their community is worthy of being represented in a separate electorate and that, in my view, is a reasonable proposition because it is a sizeable town in terms of the communities up on the APY lands. It certainly has a distinct identity, even though it is not far away from Pipalyatjara.

This amendment allows there to be 11 electorates instead of 10 and my later amendment No. 32 specifies Kulka, so I put this amendment forward in order to allow that later amendment to be put. To put that another way: amendment No. 32 is consequential upon the passage of this amendment to clause 10.

The Hon. J.D. HILL: The government does not support this amendment for the same reasons I indicated for a number of the other amendments. This is an idea which is being dropped by the member for Mitchell, based on amendments moved by the Hon. Kate Reynolds, from another place, without any consultation at all, as I understand it, with the traditional owners. The number of electorates now is 10, as I understand it, and that was worked out after a very thorough process of consultation some two years ago. We are not necessarily saying that there ought not be an 11th, but that should be as part of a process of consultation with the traditional owners and can be dealt with in stage 2, so that it is not something imposed on them by this house.

Mr HANNA: I just make the comment that there are some very significant parts of this bill which do just what the minister says: impose things on Anangu. That is the whole point of the objection. It is the essence of the objection about the process with Anangu and it is the essence of the objection to the process that we are following in this parliament, where it is being rushed through, and that is why we are taking such a long time about it.

Amendment negatived.

Mr HANNA: I move:

Page 7, lines 6 to 8—
Delete subsection (2a) and substitute:

(2a) Subject to subsection (3), a person may not be a member of the Executive Board while holding office—
(a) as the Director of Administration; or
(b) as the General Manager; or
(c) as an employee of Anangu Pitjantjatjara Yankunytjatjara; or
(d) in a position, and in a body, specified in the regulations.

(3) The Minister may, by notice in writing, exempt a person from the operation of subsection (2a)(d) (and such an exemption may be subject to any condition the Minister thinks fit and may be varied or revoked by the Minister at any time).

This is another amendment to clause 10 of the bill which deals with the executive of APY. Subsection (2a) is replaced by this amendment. The essence of it is that a person should not be a member of the executive if they are director of administration, general manager or someone who works for APY. It is very simply an additional governance provision to avoid conflict of interest and to avoid that difficult situation that I described earlier. Sadly, it does occur but sometimes you will have someone overbearing in meetings and therefore it is better to maintain a distinction between the elected people who are meant to make the ultimate decisions about the strategy and the way things should go for Anangu, and those people who are there to carry out their directives. Obviously, the director of administration, the general manager and other people who are employed by APY are in that category.

I am suggesting that they should not be a member of the executive board while they hold office. There would be nothing wrong with somebody who has worked for APY, once they have finished in that position, being eligible for election, and there would be nothing to stop someone who has been on the APY executive after they have finished their term applying for one of these jobs. I am suggesting that it is better management to separate the two and make sure that those two categories are kept separate. The elected people who are there to look at the objects of the act and the overall management of the lands and those people who work for the executive, be they Anangu or otherwise, should be kept in a different category. That is the reason for this amendment.

The Hon. J.D. HILL: The government does not disagree with what the member said. In fact, all he is adding by his amendment, as I understand it, is subsection (2a)(d), which is the general kind of catch-all in a position and in a body specified in the regulations. It is not clear from the amend-

ment who that would apply to The advice I have is that this is not a necessary amendment, and we believe that the provision in the bill sufficiently covers the field to deal with any problems or any of the potential conflicts that might occur.

Amendment negatived

Mr HANNA: I move:

Page 7, line 16—
Delete '3' and substitute:
6

This is another amendment concerning the executive and those matters At the moment under the bill the minister must cause the electorates to be reviewed not later than three months prior to each election The review must include consultation with APY and the executive.A broad consultation process is meant to occur when the various electorates are being considered. The point is that the electorates should be reviewed not later than six months prior to each election Obviously, if the electorates are changed just three or 3½ months prior to an election, it does not give people very much time to prepare for the election If they want to go around visiting all the families in that particular community, they are welcome to do that. Three months do not give them a lot of time necessarily in which to do that, especially when you have people coming and going, people moving around in the different communities, whether for work or family reasons and so on. It is simply to give the whole of Anangu more notice before the election when electorates are to be changed and you will have voting based on different areas.

The Hon. J.D. HILL: The government does not accept the amendment The advice I have is that the review of the electorates is to ensure the most electoral representation is developed for an election and, in view of the large amount of movement that occurs on the lands, a review at six months would be less useful than one at three months—that is, three months prior to the next election. The goal is to get the most accurate roll you can prior to the election occurring. An assessment six months before an election would be less accurate than one three months before the next election.

Mr HANNA: I understand the point that is being made by the minister. It does not really answer the point that I made in putting the amendment forward. The other comparison that comes to mind is our state electoral redistributions, which we do in a time frame fairly shortly after each general election. The boundaries are redrawn 12 or 18 months after each general election and that amounts to perhaps 2½ years to three years before the next general election Perhaps the minister thinks that that is not an appropriate redistribution mechanism, or at least the timing of it. In relation to the minister's response, I can see that there is something in that. Obviously, the closer you get to the election, the more accurate picture you will have of who will be around on election day However, that surely has to be balanced with the need for people to prepare for an election. The potential nominees need to think about what work they are doing at the time; what is happening in their families at the time; and how much work they want to put into talking people to voting for them I would suggest that it would have to be more than three months to allow an adequate time for that.

The committee divided on the amendment:

AYES (2)

Hanna, K (teller)	Lewis, I. P.

NOES (17)

Atkinson, M J	Breuer, L. R.
Caica, P.	Ciccarello, V
Foley, K. O	Geraghty, R. K.
Hill, J. D	Kotz, D. C.
Koutsantonis, T. (teller)	McEwen, R J
McFetridge, D.	Meier, E. J
O'Brien, M. F.	Rankine, J. M
Scalzi, G	Thompson, M G.
Venning, I H.	

Majority of 15 for the noes.

Amendment thus negatived.

Mr HANNA: I move:

Page 7, lines 19 to 29—delete subsections (9) to (11) (inclusive) and substitute:

(9) A member of the Executive Board must, within 3 months after being elected or appointed, commence a course of training related to corporate governance.

We are dealing with clause 10 again, concerning the executive. The real point of this is that there should be an obligation on the part of government to make training available. This has been one of the sore points when dealing with the Aboriginal taskforce. It was said that $50 000 would be allocated for training of the incoming executive after the last APY executive elections As far as I understand it, that training never took place I have heard that the APY executive would like training. There are obviously a range of matters—whether it is financial, to do with other governance issues, or whatever—which could be the subject of such training. The way in which the amendment is framed, it looks as if it is an obligation on the part of the executive to undergo such training That in itself could not be a bad thing, but the other side of the coin is that funding would need to be allocated for that training. Really, it is as simple as that.

Everyone recognises the need for adequate governance on the APY lands No-one is pointing the figure at the current or any past executive, but it cannot be a bad thing to require a certain amount of training in relation to doing the job After all, from time to time people will be elected who have had no previous experience of being on a board. It is not a bad thing at all for them to get some training within three months of taking their place on the executive after being elected. Again, it is a simple clause With some of these, I really wonder why the government would be disagreeing with such a stipulation After all, what could be wrong with insisting on some training relating to corporate governance?

The Hon. J.D. HILL: The member for Mitchell seems to misunderstand his own amendment. What his amendment does is to take out a whole slab of language which is in a section and substitute a slab of language which is also in the section In the bill, in section 9, after subsection (7), four provisions are inserted, that is 8, 9, 10 and 11 I draw the honourable member's attention to the existing section 9, which provides:

Subject to subsection (11), a member of the executive board must, within three months after being elected or appointed, commence a course of training related to corporate governance

The difference is that the government's measure has been approved by the minister We want to make sure that this is a proper course, not a course put on by Dodgy Brothers In addition, what the member for Mitchell has left out is the capacity of the minister to exempt a member of the executive board from having to undertake that requirement if there are particular reasons. It may well be that someone cannot get access to a course in that period of time The member for Mitchell is making it narrower in some ways and making it open to the provision of courses which are improperly

constructed and which may be run by people who are charlatans. This is about having better standards in place. However, the government supports the general provision.

Mr HANNA: The question for the government—and I suppose the opposition—is why it is thought that the executive members could not decide for themselves what an appropriate course would be. Why they would have to be approved by the minister is the question. Once again, where the minister has said to me, 'Well, I should not be standing here as a white fella imposing on Anangu,' that is exactly what the clause in the bill does. It provides that the executive not only have to go on a training course but also that they do not get to choose it. Essentially, it will be something that has to be approved by the minister.

The Hon. J.D. HILL: I do not want to delay the committee, but I would have thought that it is logical that, if people have not undertaken any governance training, it is highly unlikely that they would be able to judge whether a course is suitable. It is about having a minister—the government, in other words, and I guess the department in practice—assess whether or not the processes are appropriate. Otherwise, you could get anyone. There are lots of people around who would put together some sort of package and charge people a lot of money. They would say, 'You've now got a certificate in governance,' which may falsely make people believe that they had a whole lot of skills they would not have. It is about trying to get a proper standard. I fail to see how you could argue against that, but perhaps you have reasons.

Amendment negatived; clause passed.

Clause 11.

Mr HANNA: I withdraw amendment Nos 13 and 14 on the ground that they are consequential to an earlier defeated amendment. I am certainly happy for clause 11 to be dealt with as a whole. In new section 9D(2), the reference to chapter 2D Part 2D 6 of the Corporations Act 2001 of the commonwealth is obviously not self-explanatory. To place it on the record, will the minister advise what grounds there are for disqualification from managing corporations?

The Hon. J.D. HILL: I understand that this is a fairly long provision. It details the grounds on which directors can be disqualified. Primarily, I understand it relates to dishonesty. I cannot do so now but, if the member wishes, we can provide him with a copy of the section in due course.

Mr HANNA: I am happy for the minister to email it to me in due course. Another question I wish to ask relates to new section 9D(4). I am sure that the minister appreciates that, at quarter to three in the morning, after a debate of some hours, I have not had an opportunity to check all the details I would wish in debating the bill. My question is about whether the capacity of the minister to direct the executive to remove a member from office is in the current 1981 legislation.

The Hon. J.D. HILL: The answer is no.

Mr HANNA: I note that we are starting to get into hot water, where we have a reversal of the principle of self-determination. After all, why would the government not leave it to the executive to remove members who fail to comply with the duties they have as executive members? For example, it becomes possible for the executive to remove members of the executive by a two-thirds majority if the member is absent from three or more consecutive meetings. The minister may direct the executive to remove a member from office if they fail to attend six or more executive meetings of the executive. I suggest that the executive members themselves know best the circumstances of an executive member's reasons for absence and that it should be left up to the executive to decide if they are going to chuck someone off the executive. That is a severe power and one would hope that it is only ever used in the most compelling circumstances. I point out to those listening to the debate that this is a dramatic departure from the 1981 land rights legislation because, for the first time since then, as I understand the minister, it allows a future minister to direct the executive to remove one of their number from office.

The Hon. J.D. HILL: I understand that this is a provision that the member considers to be one of the most substantial issues—so does the government. This is one of the provisions which is essential in order to provide the appropriate governance arrangements because, at the moment, the minister does not have any powers to do anything if the executive board, or members of it, are acting in breach of the legislation or failing to attend to their duties. This is what we are trying to address. Under the Local Government Act (and I note that the local government minister is here), he, as the minister, has certain powers which he can exercise in relation to councillors or councils that are acting inappropriately outside their charter. That is an appropriate thing.

It is quite reasonable to have a similar power in relation to this particular executive, and it is one of the requirements to get the governance arrangements in place because, if there is a failure to act appropriately or there is a breach of the legislation, the government has to be able to do something; it cannot just allow it to continue. I point out to the member that this is a discretion, so, in the exercise of his discretion, he would have to ascertain whether or not the breach was so significant that it would require the exercise of that power. It is implicit that the minister would consult and discuss the issue with members of the board as well.

Clause passed.

Clause 12 passed.

Clause 13.

Mr HANNA: I move:

Page 17, lines 32 and 33—

Delete 'audit the accounts of Anangu Pitjantjatjara Yankunytjatjara at any time' and substitute:

at any time, and must at least once in each year, audit (without fee) the accounts of Anangu

The critical thing there is the auditing at least once in each year. This is the problem of being compelled to continue with this debate at nearly 3 a.m. I am not normally one to complain, but I see that my amendment No. 15 was linked with amendment No. 16 and they go together. I will test this amendment. The important thing is that the Auditor-General should be required to audit the accounts at least once each year without fee to the Anangu.

We have the Auditor-General assessing all sorts of government functions and just recently coming to some fame for having a look at the accounts around parliament house and at how much it costs to run the catering service and so on. How about we have the Auditor-General having a look at the APY accounts free of charge to the Anangu? If the government wants to introduce all of these additional governance provisions, obviously a cost is involved. The Auditor-General is there to audit the expenditure of public moneys in any case, so why should he not audit the money that goes through the APY lands each year? One might think that subclause (2) will then became redundant, and that was the intent of my original amendment No. 15.

If I succeed with amendment No. 16 requiring the Auditor-General annually to look at the APY books, then the government might well think that we should go back to

subclause (2) and dispense with that anyway. We have two amendments bound together. There has been some confusion in relation to amendment No. 15, but that does not matter, because it is important at this point that we require the Auditor-General to go up every year to look at the APY accounts. It is important that I have stipulated there that it should be without fee to the Anangu. I would not expect the Auditor-General to send a bill after checking their accounts. We will then have one of the most publicly accountable and thorough scrutinies of the APY accounts we could possibly wish for, and that has to be good for accountability.

The Hon. J.D. HILL: The government does not support this amendment, because it believes it would be far too great an intrusion into the affairs of the AP executive. Under the bill the executive must cause a financial audit each year to be done by an appropriate auditor, and that has been the situation in the legislation since it was first introduced in 1981. The government's bill includes the capacity of the Auditor-General to audit the accounts at any time to give them the power to look into them if there is a particular issue or reason. It is not to have the Auditor-General going in there every year.

The honourable member is suggesting that the APY executive would have to be audited by an official auditor every year and, in addition, by the Auditor-General every year. That is a provision that would be far more onerous than would apply to just about any body that I can think of. If the whole line is that the government is wrong for intruding into this community, then the amendment the honourable member is suggesting is a far greater intrusion than anything the government is suggesting.

Mr HANNA: The minister knows very well that the intention of these two amendments together, even if I have forgone the right to move my amendment no. 15, unintentionally, is that the Auditor-General, rather than a registered company auditor, ought to be the auditor for Anangu, and in this way they get a service free, an excellent service, rather than having to pay for it. Then we will not have arguments about whether the money is being spent or misspent, and we know that the Auditor-General is quite happy to weigh into the state government and probably anyone else if his office feels that money is not being spent as it should or as quickly as it should.

The committee divided on the amendment:

AYES (2)

Hanna, K. (teller)	Lewis, I. P.

NOES (15)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Foley, K. O.	Geraghty, R. K.
Hill, J. D.	Koutsantonis, T. (teller)
McEwen, R. J.	McFetridge, D.
O'Brien, M. F.	Rankine, J. M.
Scalzi, G.	Thompson, M. G.
Venning, I. H.	

Majority of 13 for the noes.

Amendment thus negatived; clause passed.

Clause 14.

Mr HANNA: This is the clause in the bill which deals with the reports and the budget. One of the humble aims I had in bringing amendments to the house was to require the minister to come back to both houses of parliament with a report on the operations of the executive. Since the committee has decided to dispense with the definition of Aboriginal Lands Parliamentary Standing Committee, I presume it is the intention of the committee not to have such amendments included in the bill. I will not be proceeding with my amendments Nos 17 and 18. However, I turn to amendment No. 19 and move:

Page 18, line 39—
Delete 'will' and substitute:
may

This amendment adds an element of discretion. It is tied to another amendment. It is in respect of the director of administration. The amendment removes the stipulation that the director of administration must be appointed by the executive board, and it suggests that the director of administration may be appointed by the executive board.

The Hon. J.D. HILL: I indicate that the government does not support this amendment. The amendment would create a discretion which would threaten the position of director of administration. Perhaps what the committee does not understand, or may not know, is that the director of administration has traditionally been an Anangu person and the general manager has frequently, but not always, been a non-Anangu person. There is a mentoring relationship between the two. This is seen to be an essential function by the executive and my advisers. It is important that it is protected by the legislation. If there were discretion there, then it may go, and we would end up with a white administrative person in a particular community; and that would be a great shame.

Mr HANNA: The minister's answer is quite compelling. However, I am prepared to put it to a vote.

Amendment negatived.

Mr HANNA: I move:

Page 20, after line 25—Insert:
13EA—Director of Administration or General Manager to be Anangu
Despite a provision of any other act or law, either the Director of Administration or the General Manager must be an Anangu

The minister has referred to a practice whereby one of the two key employee positions—in this case titled the director of administration and the general manager—by convention, has been Anangu. I am suggesting that this should be put into the law so that, in fact, we cannot have two white fellas coming on board, albeit with everyone starting out with the best of intentions, and then Anangu being disappointed because of those two white people more or less taking over. A provision already has been passed that allows just those two people to go and sign significant legal documents on behalf of Anangu and, if that happens, Anangu will be bound by it. Having one of those two people at least from Anangu is even more important. This is a provision that has not been dealt with in the Legislative Council. It is an opportunity for the House of Assembly to insist upon something that is convention, anyway, as the minister suggested. This is an important safeguard.

The Hon. J.D. HILL: While I have some sympathy for the position the member is putting, I indicate that we do not accept it. There are two bases: one is a broader philosophical one and the other one is more practical. The broader, more philosophical one is that this is a matter for the determination of the AP executive. It is quite capable of exercising this decision making process and has always, as I understand it, had a director of administration who is an Anangu person.

The more practical issue is that there may well be at some future stage a circumstance where, for example, the general manager is of European background and the director of administration position is vacant and there is no suitable person in the short term to fill it, but there is a requirement

to have someone acting or working in that position for a period of time who may not be an Anangu person If this provision were implemented, there may well be a breakdown and there would not be someone who could do the job. I am sympathetic with what the member is suggesting, but the practice is that there has always been one or the other in that role—and, in some cases, I think both have been Anangu. I think we can trust the local people to work this out for themselves.

The committee divided on the amendment:

AYES (2)

Hanna, K. (teller)	Lewis, I. P.

NOES (15)

Atkinson, M. J	Breuer, L. R.
Caica, P.	Ciccarello, V.
Geraghty, R. K.	Hill, J. D. (teller)
Koutsantonis, T	McEwen, R. J
McFetridge, D.	Meier, B. J.
O'Brien, M. F	Rankine, J. M
Scalzi, G.	Thompson, M. G.
Venning, I. H.	

Majority of 13 for the noes

Amendment thus negatived

The CHAIRMAN: Amendment No 23 is consequential.

Mr HANNA: I agree with that.

The CHAIRMAN: We now move to the member for Mitchell's amendment No 24.

Mr HANNA: This is truly one of the most important amendments before us tonight. We are now coming to the most critical provisions of the bill under new section 13N and 13O—the powers for the minister to direct the executive and, indeed, the power for the minister to suspend the executive. Although I am proceeding with this amendment, which is effectively to 13N, that will not preclude me from going back to the previous new section 13 clauses when we deal with the clause with or without amendment.

The dramatic departure from the principles of self-determination are manifested in this bill through these two government provisions. The minister, under new section 13N, has the power to direct the executive to take such action as the minister requires to correct or prevent a detriment. In other words, if the minister thinks that the executive is doing something wrong, either by doing something or not doing something, then the minister can step in. There are some criteria. The minister must be satisfied that the executive has refused or failed to exercise, perform or discharge a power, function or duty under the act or the constitution, and the refusal or failure has resulted in, or will result in, a detriment to Anangu generally or to a substantial section of Anangu.

I think that that amounts to the same thing that I said a moment ago. Basically, if the minister is satisfied that the executive has done the wrong thing, the minister can direct the executive to require correction. So, it is not a provision which asks the minister to call upon the executive to reverse its decision or to take some particular action. It is a provision which allows the minister to directly step in and effectively replace a board with an executive decision. The point is that if we have a good minister like the current minister we can assume that there will not be a heavy-handedness about this. However, we make the law for future ministers, and we do not know who those future ministers will be.

This provision allows the minister to say, for example, 'The executive has not done enough to encourage tourism on the lands. Why aren't there tourists going in by the busload to all the different communities, taking photographs, and dropping their lunch wrappers?' Even if they are potentially bringing in alcohol or other problems, if the minister is very much in favour of economic development, even at the expense of the cultural life of Anangu, the minister could step in under this provision and say, 'You shall allow entry to tourist operators, etc. You shall grant them permission to come onto the lands,' or for certain businesses to be established on the lands, or for the stores on the lands to be run in a certain way.

Of course there is the provision that the alleged refusal or failure has to result in a detriment to Anangu or a section of Anangu. But if the minister is so minded, the minister can say, 'On an economic basis, the Anangu are going to miss out if they don't have all this tourism coming through, so I have to step in, override the executive and create all these measures which will facilitate tourism.' That might be one example, and it might be completely inappropriate culturally to encourage a particular kind of tourism which the minister of the day thinks is a good thing. I am extremely uncomfortable about that clause in any case and, if it were possible, I would actually wish division 4B to be put separately, if that were permissible under the standing orders. But I do have an amendment drawn up and, in the event that Anangu are stuck with the right of the minister to intervene or even sack the executive, then at least we could have this procedure followed. I move:

Page 24, after line 37—

Insert:

(1a) However, before giving a direction under subsection (1), the Minister—

(a) must cause notice of his or her intention to give such a direction to be circulated in a manner that is likely to come to the attention of the majority of Anangu on the lands; and

(b) must have regard to any reasonable submissions made by Anangu relating to alternative methods of resolving the problem giving rise to the proposed direction

There are two parts to the amendment. The first part is that, if the minister is going to take this extreme action of stepping in and replacing an executive decision, then the minister must let the whole of Anangu know that the minister is intending to do this. Now that might be through PY media; it might be through leaflets distributed to the various communities; it might be by emailing the various community officers with appropriate instructions about circulating within their particular community.

The amendment is open about how that is to be done, but the critical thing is that if something as dramatic as ministerial intervention is to occur, I am suggesting that all Anangu should be consulted about it. Why are we here at nearly 3.30 in the morning? It is because people are upset about the lack of consultation in relation to this bill; not all of it. Some of the people are happy with all of the bill, I am told; some of the people are unsure about large parts of it; everyone appears to agree about some parts of it; but there is that critical issue of consultation. Consultation does not mean just going to the executive of the day and talking to them. It means attempting to circulate the government's intentions to all of Anangu, and that should happen. It is one thing with legislation. It is even more critical, I would suggest, when it comes to the minister replacing the decisions of the Anangu executive.

That is the first part of the amendment. The second part of the amendment is that when, as you would expect, sections

of Anangu or individuals respond to the minister's notice of the direction he intends to give, the minister must have regard to any reasonable responses which come back, so the minister must communicate with the Anangu, and it is a two-way process. The minister must say, 'I am about to ride over the decision of your executive that you have elected. I as the minister in this situation have to circulate that widely among the people on the lands,' and then the minister must listen to any reasonable submissions made in return. After all, people might say, 'Look, before you do that, can we have a general meeting or some sort of public meeting in this part of the lands or that part of the lands?' Let's say the minister's opinion is, and the member for Morphett when he is Aboriginal affairs minister, possibly in about 12 years time, may well think that the interests of the Anangu are best served by allowing as much economic development as possible, so let's let the tourist operators in and facilitate tourism sites within the lands so that people can have ridgy-didge outback experiences. One can imagine how that might be marketed.

The people who are most directly affected on the lands might say to the minister, after hearing of this intention of the minister to override an executive which says this is not such a good idea for cultural reasons, 'We would like a big meeting called in our part of the lands where you are proposing to have this tourist site so that we can discuss it really thoroughly with everyone in this part of the lands.' It might be near the highway, it might be the western part of the lands. This is just an example, but it shows how important it would be in that situation for the minister to listen to the people. The minister may find, if the minister listens, that the Anangu executive was right after all and that perhaps intervention would be too heavy-handed and inadvisable.

In summary then, if the minister is going to this extreme measure of overriding an Anangu executive decision, I am simply saying the minister must communicate with Anangu by publishing the intention to do so broadly in the lands and listening to the response.

The Hon. J.D. HILL: I have to say that the government certainly does not support what the member for Mitchell is suggesting and strongly has that view, because what he is suggesting would be, I think, deeply offensive to the people of the lands. I just point out to the member what the powers proposed in the bill do. The minister, before he exercises any direction to the executive, has to satisfy himself or herself on two points—not either/or, but on two points. First, that the board has refused or failed to exercise, perform or discharge a power, function or duty under the act or the constitution. In other words, they have to breach the rules. More than that, not only do they have to breach the rules, but, secondly, that breach has got to be of some detriment to the people generally or to a substantial section of people. So they have to have broken the rules and it has got to be hurting them.

The notion of a tourism development is just fanciful. There is nothing in the legislation, and I doubt if there would be anything in the constitution, which would say that they have to approve tourism developments. There would be nothing in there which said that they had to, although there might be a power which allows them to consider it, but there is just no way that this provision would relate to such a matter. It is more likely, I would have thought, that it would relate to something to do with financial management such as bills not being paid. For example, if it is the responsibility of the board to pay bills and the minister discovers that the bills have not been paid—so there is a breach of the act and it is likely as a result of that that services will be ceased to be delivered and there will be no food coming into the store—then what the minister would do in those circumstances is to direct the executive board to perform that duty, which is to pay the bill. That means the food goes into the store and it is all sorted.

What the member is suggesting would be of great embarrassment to members of the executive because everybody in the community would be told that the bill had not been paid on time and the consequences of that might be X, Y and Z, and then they would all be invited, under the honourable member's proposition, to say what they thought about what ought to happen and this could create a much bigger issue than it may have been in the first place, when all the minister was saying was, 'Look, you haven't paid the bill; pay it,' and it gets sorted out without that embarrassment. This is a provision to help make the governance work. I put to the member most respectfully that what he is suggesting would, in some circumstances, be of huge embarrassment to the community or to the members of that executive, and a matter of great shame to them, I would have thought.

Mr HANNA: It is true that what the minister says could be right in some circumstances. He has given one example. It does seem hard to believe that such an extreme power is put there because someone might forget to pay the bill on time. I think it is more likely that this provision could be used by a minister who favours economic development over the cultural life of the people to intervene in the way that I have mentioned. So it seems that the difference between us is that the government does not accept there is a danger of that, whereas I do not accept that it is going to be used in a trivial case. It is going to be used in a significant case when it happens, and that is why it should be something that is completely above board and publicised throughout the lands.

The minister said that something like development of a tourism site would not be covered by this clause because the clause is about the executive breaking the rules. That is not what it says. There is nothing in the clause about breaking the rules. It is simply about the executive failing to exercise a power that it has. It has powers to do a wide range of things and, if it wants to engage consultants to set up a theme park, it can. That is one of the things the executive could do. It can sign legal documents on behalf of Anangu generally.

So that is extremely broad and, sure, it allows situations to be fixed where no-one would argue there needs to be a remedy (for example, for bills to be paid), but it also allows abuse of Anangu by a minister who favours economic development over the cultural life of the people, and that is why I am concerned. That is why some of the traditional owners at least are concerned and why they would like to think through these sorts of scenarios more carefully.

I note that the ministerial intervention is in a two stage process. First, the minister tries to direct that the executive should do the thing the minister wants it to do, and then if the executive does not do it the minister can take the action himself or herself. Indeed, the new section goes on to say that the action can be taken on the minister's behalf by a member of the minister's department or another person authorised by the minister for the purpose. So one can imagine that, if some economic project on the lands was not going the way that the minister thought it should go, it would be possible to intervene and send up a Bob Collins character, or whoever you can imagine, from the department to run the show the way that the minister prefers. The minister simply has to justify that by saying, 'Well, there would have been some sort

of detriment to the people up there if I had not intervened.' Politicians say that all the time.

The committee divided on the amendment:

AYES (2)

Hanna, K (teller)	Lewis, I. P.

NOES (15)

Atkinson, M. J.	Breuer, L. R.
Caica, P.	Ciccarello, V.
Geraghty, R. K.	Hill, J. D. (teller)
Koutsantonis, T.	McEwen, R. J.
McFetridge, D.	Meier, E. J.
O'Brien, M. F.	Rankine, J. M.
Scalzi, G.	Thompson, M. G.
Venning, I. H.	

Majority of 13 for the noes.

Amendment thus negatived.

Mr HANNA: I move:

Page 25, after line 27—
Insert:
(ab) neither the director of administration nor the general manager may be appointed as administrator;

This is a different matter. Under the new law, the minister has the right to send in an administrator to run the show instead of the executive. I am saying that the administrator should not be the director of administration or the general manager. If the minister is to send in someone, it should be someone from outside the situation to give an objective appraisal of what is occurring. It would not be appropriate for that to be one of the key employees of the APY.

The Hon. J.D. HILL: I indicate the government does not support this amendment. It is highly unlikely that the government, in the circumstances where an administrator were to be appointed, would appoint the director of administration or the general manager. However, there may be some circumstances where that person would be an appropriate person; say, if there was an outstanding person—maybe Lois O'Donoghue, or someone such as that. In days gone past, she might have been the director of administration or the general manager, and if the executive collapsed, she is on the ground. You would appoint her for a period until you could re-arrange the circumstances. It may not have to be a huge crisis; it may be something that happens in the short term. So, while I concede that it is very unlikely, it is not something that you would want to necessarily rule out.

Amendment negatived.

Mr HANNA: Mr Chairman, I draw your attention to the state of the committee.

The CHAIRMAN: There is a quorum present. In the federal parliament this is automatic naming, and as tempting as it is to name the member for Mitchell I do not think that is the practice. However, it is very bad form to call quorum when there is a quorum present, so I warn the member for Mitchell.

Mr HANNA: I apologise to the committee for that unnecessary question, but it is also bad form, you would agree Mr Chairman, to be lying down on the benches where one cannot be seen—and I am not saying that you are, sir, but some people are.

Members interjecting.

The CHAIRMAN: Order!

Members interjecting.

The CHAIRMAN: Order! The member for Mitchell has the call.

Mr Koutsantonis: You are wasting taxpayers' money.

The CHAIRMAN: Order!

Mr O'BRIEN: Keeping the staff up all night; you are a damn disgrace.

The CHAIRMAN: Order! The member for Mitchell has the call.

Mr HANNA: With those amendments having failed, I return to a matter earlier in this clause. There are, of course, a number of new sections proposed in the clause, and I refer to a matter which could well arise—and I say that because something very much like it has arisen. However, I will not go into the details of something that has occurred on the lands. I am talking about the new section 13G, whereby these senior employees of the executive can have their appointment terminated.

I look through the various reasons on which the executive can base a decision for termination—for example, incapacity, failure to carry out official duties, failure to comply with certain governance duties, serious misconduct, conviction of an indictable offence or bankruptcy (I am paraphrasing those reasons). What would be the case if one of those senior employees met with the Aboriginal Lands Standing Committee and gave information which reflected adversely on the executive, for example? Could that be said to be serious misconduct? Is that the sort of thing—

The Hon. J.D. HILL: Kris, I am finding it difficult to follow what you are saying; I am finding it hard to hear for a start. Could you point out what section you are referring to?

Mr HANNA: I am referring to new section 13G on page 20. Did the minister hear the scenario I put?

The Hon. J.D. HILL: No.

Mr HANNA: I will have to ask that question again. The scenario I put was where one of these senior employees of the APY gave evidence or otherwise informed the Aboriginal Lands Parliamentary Standing Committee about matters that reflected adversely on the executive. Is that the sort of situation which is intended to be covered by these reasons which are given for potential termination?

The Hon. J.D. HILL: No, of course not. It is certainly not what is intended.

Mr HANNA: I presume that the only relevant possible reason listed there would come under the misconduct category. I suppose that it would then be a matter of law whether such adverse reflections were so serious as to amount to serious misconduct.

The Hon. J.D. HILL: Obviously, everything is a matter of law, but it is not intended to trap general managers who do things that are within the normal course of their activities. It is about them doing things that are dishonest. I would have thought that you would not want someone who has their hand in the till or involved in some other activity that is against the interests of the people and damaging to the reputation of the people. That is really what it is about.

Mr HANNA: I ask that, because this is a very long clause, the new sections 13A to 13M be put as a block prior to new sections 13N and 13O.

New sections 13A to 13M agreed to.

New sections 13N and 13O.

The ACTING CHAIRMAN: The question is that new sections 13N and 13O be agreed to.

The committee divided on the new sections:

The CHAIRMAN: There being only one member for the noes, I declare that new sections 13N and 13O are agreed to.

New sections 13P and 13Q agreed to; clause passed.

Clause 15.

Mr HANNA: Before addressing my amendment to clause 15, I place on the record, before 4 o'clock, that I have certainly suggested to other parties that we could come back tomorrow and finish the entire committee and third reading stages within three-quarters of an hour. But that is not the will of other members, and I am quite happy to continue.

Members interjecting:

Mr HANNA: It was certainly other members who suggested that we should call it a night, but I am quite happy to continue.

Mr O'Brien: Getting a bit tired, are you?

Mr HANNA: No, member for Napier; I am not.

The ACTING CHAIRMAN (Mr Koutsantonis): Order! It is disorderly to respond to interjections. Get on with your amendment.

Mr HANNA: That is a good ruling. I move:

Page 27, line 23—Before 'Anangu' insert:
Subject to this Act.

This simple amendment makes clear that the executive board's obligation is subject to this act.

The Hon. J.D. HILL: It might be simple, but it is also simple-minded. The facts are that this is subject to the act. It does not need to be said, as it is subject to the act.

Amendment negatived; clause passed.

Clauses 16 to 18 passed.

Clause 19.

Mr HANNA: I ask the minister about the second stage or, I should say, the next stage of amendment of the land rights legislation. What is the time frame proposed for coming back with amendments concerning mining?

The Hon. J.D. HILL: The advice I have is that these will be dealt with in the new year. We expect consultation will take a considerable period of time because the amendments or the issues are very complex and subject to a lot of community feeling and different positions; so we have no fixed timetable to introduce them into this place.

Clause passed.

Clause 20.

Mr HANNA: I move:

Page 29, line 25—
Delete all words in line 25 and substitute:
(1) Section 22(1)—delete 'Royalty' and substitute:
Despite a provision of any other act or law, royalty
(2) Section 22(2)(a)—delete 'one-third' and substitute:
50 per cent
(3) Section 22(2)(b)—delete 'one-third' and substitute:
50 per cent
(4) Section 22(2)(c)—delete paragraph (c)
(5) Sections 22(3) and (4)—delete subsections (3) and (4)

This amendment is to increase the amount of royalties, in other words payment for minerals, which would go to Anangu in the event of successful mining operations. Clearly, it is of benefit to Anangu. It is as simple as that.

The Hon. J.D. HILL: The government is prepared to examine the suggestion, but on the basis of what the people themselves have asked we are not dealing with mining issues, including the royalty issues, in this legislation. We do not accept the proposition.

Amendments negatived; clause passed.

Clauses 21 to 25 passed.

Clause 26.

Mr HANNA: I move:

Page 30, lines 16 to 18—
Delete subclause (1) and substitute:
(1) Section 36(1)—delete 'Any Pitjantjatjara who is aggrieved by a decision or action of Anangu Pitjantjatjara, or any of its members' and substitute:
An Anangu who is aggrieved by a decision or action of Anangu Pitjantjatjara Yankunytjatjara or the Executive Board.

This amendment is to ensure that two kinds of potential disputes are covered rather than just a dispute with the executive. The point is that somehow an individual person on the lands may have a grievance with the APY, which is a body corporate. A person in that situation should have the same dispute resolution process available to them as a person who is aggrieved by a decision or action of the executive itself.

The Hon. J.D. HILL: I understand that the proposition moved by the member for Mitchell returns the provisions back to the provisions in the current act. That requires that, whenever there is a dispute, a tribal assessor is brought in to conciliate. There was an unfortunate consequence of that provision, because it applied not only to disputes between Anangu and the executive board but also between individuals and the community. For example, if a husband and wife were having a domestic, a tribal assessor would have to be called in to conciliate. That seemed to be an unnecessary intrusion into the normal relations between people. So, this is about specifically having an ability to deal with disputes between the people and the executive board, which is really, I guess, what the original intention would have been.

Amendment negatived.

Mr HANNA: I move:

Page 30, line 23—
After 'is' insert:
trivial,

This amendment simply inserts the word 'trivial', so that a conciliator could refuse to hear an appeal if it was trivial, frivolous or vexatious. It is simply extending and better describing the circumstances where we collectively think it is unnecessary for a conciliator to be involved.

The ACTING CHAIRMAN (Mr Koutsantonis): Those in favour say 'aye', those against—

Mr HANNA: Sir, might I hear a response from the minister before the question is put?

The ACTING CHAIRMAN: Technically, you do not have to.

Mr HANNA: No.

The ACTING CHAIRMAN: It is up to the minister to stand in his place, and he did not stand in his place.

The Hon. J.D. HILL: This is an incredibly trivial issue, because the advice I have is that the words 'frivolous' and 'vexatious' cover anything that 'trivial' might cover.

Amendment negatived.

The Hon. J.D. HILL: I move:

Page 30, line 34—
Delete 'Ngaanyatjara' and substitute:
Ngaanyatjarra

This amendment deals with the issue of the spelling. I gave the arguments in favour of that in relation to clause 5.

Amendment carried; clause as amended passed.

Clause 27 passed.

Clause 28.

Mr HANNA: This is a difficult situation, because we have had the definition of 'Aboriginal Lands Parliamentary Standing Committee' deleted. So, strictly speaking, this is consequential. However, the minister might at least advise the house on the merit of having to report annually in some form

to some relevant body—maybe even the parliament itself—on the grazing of livestock, the leases involved and so on, so that, from an environmental point of view, the government can have an idea of the use of the land and degradation of the land, if it comes to that.

The Hon. J.D. HILL: As the minister responsible for that legislation, I am very supportive of what is proposed here. This is an issue which, by agreement with the Aboriginal land-holders, we will consider in stage 2. It is an important matter, and I assure the member that it will be considered appropriately.

Mr HANNA: I have not moved it. I will not proceed with the amendment.

Clause passed.

Clause 29 passed.

Clause 30.

Mr HANNA: My amendment No. 32 is consequential.

The Hon. J.D. HILL: I move:

That clause 30 be inserted.

The ACTING CHAIRMAN: The member for Mitchell has an amendment to the proposed inserted clause.

Mr HANNA: Yes. I am just having trouble reading the erased type.

The ACTING CHAIRMAN: It is your amendment No. 31.

Mr HANNA: Did you say amendment No. 31?

The ACTING CHAIRMAN: Yes.

Mr HANNA: No. Amendment No. 31 is consequential, and so is amendment No. 32. Thank you for your guidance on that, sir.

New clause inserted.

Clause 31 passed.

Clause 32.

The Hon. J.D. HILL: I move:

Page 34—
Lines 21 to 26—
Delete subclauses (2) and (3) and substitute:
(2) The review must be conducted by a panel of three persons of whom—
(a) one must be an Anangu nominated by the Executive Board of Anangu Pitjantjatjara Yankunytjatjara; and
(b) two must be persons selected by the minister with the agreement of the Executive Board of Anangu Pitjantjatjara Yankunytjatjara

After line 34—
Insert:
(7) In this section—
Anangu has the same meaning as in the Pitjantjatjara Land Rights Act 1981.

These two amendments relate to each other. The proposition is to establish a review panel, which, within three years of the passage of this legislation, would be conducted into the way in which the legislation works, and that is the commitment that was given. The idea is that there be an Anangu person nominated by the board and two persons selected by the minister with the agreement of the executive board. This is at variance to the proposition that was moved in the other place which would, I think, give the Ombudsman the responsibility to make those choices. It is believed that this is a better way and much more likely to reflect the local communities' interests and views.

Dr McFETRIDGE: The opposition supports these amendments and emphasises the fact that this bill will be reviewed in three years. This panel is one that we understand the Anangu support, and we look forward to its being able to exercise its powers in three years.

Amendments carried.

Mr HANNA: I move:

Page 34, line 31—
Delete 'third' and substitute:
second

This amendment refers to a report reviewing the operation of the amendments affected by this act. The bill asks for it to be completed before the third anniversary of the commencement of section 1. I am suggesting that it be the second anniversary, so that we have a look at it after two years have passed.

The Hon. J.D. HILL: We do not accept that. The commitment is to do it within three years, and I think that is a reasonable amount of time. To constrain it to within two years would mean that we are almost reviewing it as soon as the thing is established. We have to get it running so that we can have a proper look at it.

Amendment negatived.

The Hon. J.D. HILL: I move:

Page 34, after line 34—Insert:
(7) In this section—
Anangu has the same meaning as in the Pitjantjatjara Land Rights Act 1981.

This amendment is consequential on the other amendment that has just been agreed to by the committee.

Amendment carried.

Mr HANNA: Just on that clause, strictly speaking my amendment no. 35 was not consequential but I decided not to proceed with it, anyway.

Clause as amended passed.

Schedule 1.

Mr HANNA: I have a question before turning to the amendment that I have on file. It appears to be the government's intention that there will be an election on the lands in November. Has a date been set? Secondly, does the provision about an AGM within 15 months apply, so that it could be as late as February 2007 for the following AGM?

The Hon. J.D. HILL: A date has been set, which is 28 November, and that provision of within 15 months does apply from that date.

Mr HANNA: I want to clarify the government's intention. Surely there is a limit to the number of times that an AGM could be held 14 or 15 months after the previous one. Are there not other limits that would prevent it going to February 2007 and then to May 2008, and so on?

The Hon. J.D. HILL: As I understand it, there will be three-year electoral terms and the provision is that within the first 15 months after the election there has to be an AGM, then there have to be AGMs, I assume, in a 12-month cycle. Let us say hypothetically that the election is in November this year and the AGM is then held in February 2007, then there will have to be another one within that 12-month period.

Schedule passed.

Title passed.

Bill reported with amendments.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That this bill be now read a third time.

I thank all members of the house for their participation and forbearance in relation to this bill. It was important to the government and to the community that this bill was passed tonight. I congratulate the community for having the patience to sit through this action, and in particular I would like to thank the officers who have helped me, Jos Mazel from DPC,

Terry Sparrow from the Department of Aboriginal Affairs and Reconciliation, Ros Daniels from CSO and Mark Herbert, of course, the Parliamentary Counsel

The Hon. J.D. HILL (Minister for Environment and Conservation): I echo the thanks expressed by the minister. The fact is that there is still a democracy on the lands. There is a democracy in this parliament and, just as there are minority views that need to be taken into account on the lands, there are also minority views in this place which need to be taken into account, and I would not be doing my job if I did not express those views when I felt it was important to do so. At the end of the day, there was so much common agreement about this legislation in respect of the terms of the executive and the inclusion of the Yankunytjatjara, and so on

It is so unfortunate that it was seen as necessary to rush this legislation through tonight. It would have been easier on all of us and, most importantly, for the Anangu themselves if it had been paced and managed in such a way that it had not come to this. Nonetheless, we accept that the legislation has gone through, and I wish all the potential nominees for election on the lands in November all the best, and whoever is duly elected to the executive for the next three years will certainly have my full support.

Bill read a third time and passed

CORPORATIONS (COMMONWEALTH POWERS) (EXEMPTION OF PERIOD OF REFERENCES) AMENDMENT BILL

Received from the Legislative Council and read a first time

ADJOURNMENT

At 4.19 a.m. the house adjourned until Thursday 20 October at 10.30 a.m.