HOUSE OF ASSEMBLY

Wednesday 26 September 2001

The SPEAKER (Hon. J.K.G. Oswald) took the chair at 2 p.m. and read prayers.

SEXUAL DISCRIMINATION

A petition signed by 1 042 residents of South Australia, requesting that the House support the passage of the Statutes Amendment (Equal Superannuation Rights for Same Sex Couples) Bill and any other measures to remove discrimination against same sex relationships, was presented by Ms Bedford.

Petition received.

RENT RELIEF

A petition signed by 408 residents of South Australia, requesting that the House ensure all tertiary students living away from home have access to rent relief, was presented by Mr McEwen.

Petition received.

SCHOOL STAFFING

Petitions signed by 4 961 residents of South Australia, requesting that the House urge the government to reduce school sizes by increasing the staffing allocation formula over a three year period, were presented by Ms Maywald and Ms Thompson.

Petitions received.

WASTE TRANSFER STATION

A petition signed by 23 residents of South Australia, requesting that the House prevent the development of a waste transfer station at Schenker Drive, Royal Park, was presented by Mr Wright.

Petition received.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the 27th report of the committee and move:

That the report be received and read.

Motion carried.

Mr CONDOUS: I bring up the 28th report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

ELECTRICITY, NECA REVIEW

Mr FOLEY (Hart): My question is directed to the Premier. Why did the Premier claim credit for establishing the NECA review into the rebidding practices by electricity generators and then claim credit for the inquiry's outcome when his government had failed even to put a submission into the NECA inquiry? The Treasurer issued a press release on 6 August this year, which stated that it was Premier Olsen who had been responsible for achieving the NECA review and getting changes to the rebidding practices of power generators which would help reduce power prices in time for next summer. The Treasurer said:

Premier Olsen should be congratulated for his success in achieving this proposed change.

However, the NECA review had actually begun before the Premier had called for it and whilst the New South Wales Treasury had put in a detailed—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: Thank you, sir. I will repeat that paragraph. However, the NECA review had begun before the Premier had called for it and, whilst the New South Wales Treasury had put in a detailed submission to the NECA issues paper, along with 28 other agencies nationally, the NECA report shows that the Olsen government did not even bother to submit a written report. Premier, why do you claim you have done something you had nothing to do with?

The SPEAKER: Order! The member for Hart does not need to repeat the question.

The Hon. J.W. OLSEN (Premier): I had several telephone discussions in the early—

Members interjecting:

The Hon. J.W. OLSEN: I had a number of discussions with NECA. Typical of this—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order.

The Hon. J.W. OLSEN: Typical of this opposition it is not interested in what the outcomes might be and the fact that NECA is now positioned to put in place rebidding practices, which was one of the difficulties identified in the eastern report. As I am advised, there was dialogue between—

Mr Foley interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: The opposition is not interested in the range of measures this government has put in place to ameliorate the effects of the price hikes—

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: I am glad of the interjection of the Leader of the Opposition because let us go back to history. If members want to go back to history I will retrace it again. Labor governments put in place the national electricity market.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order.

The Hon. J.W. OLSEN: And, through fear of competition payments, we participated in the national electricity market, as did Victoria and New South Wales—

The SPEAKER: Order! There is a point of order. The Premier will resume his seat.

Mr FOLEY: My question went to this Premier telling the truth, not about the national electricity market.

Members interjecting:

The SPEAKER: Order! There is no point of order. The honourable member knows that. The Premier.

The Hon. J.W. OLSEN: What we have is an opposition—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Premier will resume his seat. The chair will not put up with this this afternoon; I am just not in the mood for it. The leader has been brought to order on two occasions. I suggest that he—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I caution the honourable member.

The Hon. M.D. Rann: There have been a lot of interjections.

The SPEAKER: I warn the Leader of the Opposition. The Premier.

The Hon. J.W. OLSEN: The opposition is not interested in a solution to the problem: it is simply just wanting to muddy the waters and make political opportunism out of the issue. The national electricity market is a market in which we are required to participate. It was a market put in place by Labor governments and endorsed by Liberal governments. The difficulties that have been identified across the national electricity market are not exclusive to South Australia: they are issues that other states of Australia participating in the national electricity market must persevere with.

During the course of our inquiry from earlier this year in relation to the impacts, we looked at the solutions or at how we can ameliorate the effect of a lack of maturity in the market in South Australia? The government of South Australia took a number of steps, including speaking to—and I did personally, I know, by telephone—those responsible in NECA about why they had not been proactive earlier in the piece and what steps were being taken in relation to the rebidding practices of the national electricity market. We now have on the table an outcome that I would have thought all of us were wanting to achieve.

As it related to the rebidding practices of the generators, there is a recommendation that I expect will be signed off and a change of rebidding practices for the generators. That is one of the outcomes that I have consistently said in this House we wanted as a result of the review of NECA, and we wanted it put in place to ameliorate the price effects that we have seen in the electricity market in South Australia. The fact is that we are getting an outcome going in the direction we wanted. Instead of endorsing that and trying to ensure that it is implemented, the opposition simply has no plan or alternative but just political opportunism.

ELECTRICITY, SUPPLY

The Hon. G.M. GUNN (Stuart): Will the Premier update the House on the positive steps being taken by the government to deal with electricity issues facing the people of South Australia, and will he also indicate the positive steps this government is taking in contrast to the doom and gloom of the member for Hart and the Leader of the Opposition?

The Hon. J.W. OLSEN (Premier): I thank the honourable member for his question. The first point I make is that the issue of delaying contestability of residential customers entering this market is absolutely alive and an option that the government is actively pursuing and currently investigating. I indicated some months ago that the government is considering delaying the start of contestability from 2003, and that remains the government's position.

At the Premiers' Conference, where I asked that this item be listed on the agenda, Premier Beattie and I both indicated that we would not commit to full contestability on 1 January 2003. I was not prepared to give that commitment and neither was Premier Beattie.

New South Wales and Victoria will start their full contestability on 1 January next (I think one is on 31 December and the other on 1 January next). So, New South Wales and Victoria will go into a fully contestable market well in advance of us, and we are proposing to monitor what flows from their full contestability. Our advice is that it is a legal option for the government, but at this stage no final decision has been taken in relation to that.

We have sought advice in relation to the operation of the market and the likely scenarios that might apply with the application of the market in future. We have had a market that has not matured, against the advice given to us some time ago. We have a market that has grown something like fourfold that of the previous projections. The advice to us was that this market would grow by 2 per cent a year. It has been growing fourfold that at 8 per cent a year. That has meant a greater demand in the market than anyone had previously projected. That therefore raises management of an issue. We are fronting up to that issue.

A number of other encouraging steps have been put in place to address the issues facing the national electricity market in South Australia. Extra power plants are to be built by the end of the year: AGL at Hallett and the Origin power plant in Adelaide. Murraylink is to come on stream by approximately April next year. A new 400 megawatt Snowy to Victoria interconnector is expected to be given NEMMCO approval over the next month and be operational before 2003.

Work is still being undertaken to boost the capacity of the Hayward interconnector. Over the past three years we have increased power capacity in our state by 30 per cent. Members opposite want to make political mileage and gain out of this without identifying a range of solutions on a market that was their brainchild. It is an issue that needs to be addressed, and it will be addressed. The market has not unfolded as many of us had anticipated it would.

There are issues to be addressed, but I simply make the point that this government has never shirked its responsibility of fronting up to difficult issues—and we will not on this issue. It is not operating effectively and it is not operating as efficiently as we would wish. A number of steps need to be taken to address that set of circumstances, but we will take those steps that will start to fix the problem. We will not take steps that will compound the problem. There are some short-term fixes—but that is exactly what they are. This state has had governments in the past that have undertaken short-term fixes that have created long-term problems.

Part of that is our addressing at the moment gas supplies into South Australia to have a competitive gas market from which 40 per cent of electricity is generated. Governments of the past have not put in an alternative competitive gas source to South Australia, and that is the reason for part of the problem. We have been working for something like two years on getting that part of the problem fixed. I hope that we are only months away from getting a final decision whereby private sector gas will be coming via pipeline out of Victoria into South Australia to underpin further generating capacity—because one cannot undertake that unless one has a competitively priced fuel source.

They are the fundamental infrastructure requirements that need to be put in place. It is not a desirable set of circumstances. There are issues and problems with this market as it is being introduced. They are issues which we will confront; we will work our way through them; we will get a better outcome for this state, but it will not be a short-term fix. It will be a fix that will stand this state in good stead over the longer term. That is the commitment; that is what we are attempting to do.

Members of the Labor Party can get up and have their fun in a political sense. They can play the game for political purposes if they wish, but they will be judged at the end of the day: what would they do? If they cannot answer that question but simply poke a political finger at us, they will be seen for what they are—not having an alternative, not addressing the real issues, and not wanting the real issues to be addressed and solved, for base political purposes.

South Australians deserve and are entitled to better than that and they will get it from us, as we acknowledge that there are problems; that we will work our way through those problems; step by step we will ameliorate those problems, and in the long term we will have a competitive market here as distinct from that which applies in other states. Members only have to look at the performance of a couple of Labor state governments around this country to compare and contrast—a stark contrast—between a competitive base in those states and the competitive base that is this state.

ELECTRICITY, PRICE

The Hon. M.D. RANN (Leader of the Opposition): What action did the Premier take when he was first informed that NRG Flinders had been one of the power generators named by NECA and his own task force as one of the worst examples in the nation of a generator cynically forcing up power prices during times of peak demand in South Australia by rebidding its prices purely to maximise its profits?

The NECA issues paper and a NECA submission to the electricity task force both singled out NRG Flinders as an example of a generator that was forcing up power prices at the times of greatest demand. NECA wrote to the electricity task force saying that on 12 occasions between October last year and May this year NRG Flinders had rebid its prices to above $4 000 per megawatt hour and it was done solely to improve its profits. NRG has been allowed to act unscrupulously in deliberately manipulating the market to rip off South Australian electricity consumers.

The SPEAKER: Order! The member is now starting to comment.

The Hon. M.D. RANN: What did you do when you were told?

The Hon. J.W. OLSEN (Premier): The Leader of the Opposition has only to read *Hansard*. On a number of occasions I have talked about the rebidding practices and some of the proposals or suggestions that were put to us that the rebidding practices were compounding prices in South Australia. It was the basis of our submission to NECA as it relates to rebidding practices and the basis of our taking up that issue in looking at the range of options available to us. The fact that NECA has reviewed this matter and is recommending changes to rebidding practices to outlaw some of the practices applied by generators in this state clearly underscores the point that some of those practices need to change. They were operating within NECA's guidelines and rules of the past.

The Hon. M.D. Rann interjecting:

The Hon. J.W. OLSEN: If the Leader of the Opposition wants me to bag any particular company here, in the forum of the parliament, a company that has just indicated that it is about to spend—and I forget what the figure is—

The Hon. G.M. Gunn: In excess of $100 million.

The Hon. J.W. OLSEN: Thank you—in excess of $100 million—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, the member for Stuart!

Members interjecting:

The Hon. J.W. OLSEN: No, I will be delighted to let all the residents of Port Augusta know that the Leader of the Opposition is bagging a company that wants to spend $100 million in the Port Augusta area to upgrade their power generating capacity. It will make a very good leaflet from the Leader of the Opposition. He does not want there to be extra power generating capacity. Why does he not want there to be extra generating capacity? It is because he does not want the problem to be fixed.

Members interjecting:

The SPEAKER: Order! The member for Hart and the Leader of the Opposition will come to order. The Premier.

The Hon. J.W. OLSEN: Thank you, Mr Speaker.

Mr Foley interjecting:

The SPEAKER: I warn the member for Hart.

The Hon. M.D. Rann interjecting:

The SPEAKER: And I warn the Leader of the Opposition for the second time.

The Hon. J.W. OLSEN: Let us get some things straight. The *Hansard* record will report my concern and criticism of rebidding practices and my public statements about rebidding practices and my successful endeavours at the Premiers' conference to have a number of components, including rebidding practices, looked at. That is the track record. Even the member for Hart's gymnastics with the truth and the facts cannot take away the fact that we have talked, we have put on the agenda the rebidding practices of generators in South Australia.

There are, as a result of that, chained circumstances to unfold. It is being fixed and, in addition to that, there is a company that will spend $100 million in upgrading and having greater capacity. If there is one thing we need, it is greater capacity. There has been a growth in demand, fourfold that which we expected. To solve this problem we need the private sector to invest in new generating capacity. By their investment in new generating capacity, we get greater supply. If we get greater supply, we get greater competition. We start addressing the problem.

That is exactly what those members opposite do not want to be achieved. They do not want the problem addressed. I will not stand in this House or any other forum and take issue with a company that is about to spend $100 million. If any company's practices have been inappropriate in the past, they will be changed. They will be changed because we took up the issue and said that rebidding practices had to change. If any company has been acting inappropriately, that will now change as a result of the approval to change the rebidding practices.

So, you fix the rebidding practices but you do it in a way that does not cut off your nose to spite your face. You do it in a way that does not preclude further investment. You do it in a way that you get greater supply. You do it in a way that starts addressing the fundamental faults that are part of this national electricity market. That is what we have to do. Front up to the range of issues and work our way through them, address them and get them fixed. That is exactly what we will do.

I am sure that the people at Port Augusta want to see the $100 million investment. I am sure South Australians want greater generating capacity. I am sure we all want to see greater supply coming into our market. That is the outcome.

But if anybody has not been appropriately applying the procedures of the past, they have to be stopped. How do we stop anybody not appropriately applying the practices of the past? You change the rules. What is NECA proposing? A change to the rules. You fix the problem but you do not create an environment where you do not get the investment in the future.

Members interjecting:

The SPEAKER: Order!

BIKIE GANGS

Mr HAMILTON-SMITH (Waite): Will the Minister for Police, Correctional Services and Emergency Services provide the House with details of the recently announced government initiative to combat bikie gangs? Will he also inform the House whether there has been any bipartisan support for that initiative?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the member for Waite for his question, because I know the honourable member has a lot of interest not only in Waite but also in South Australia when it comes to reducing crime and illicit drug activity and keeping South Australia a safe state. Last Friday was a great step forward in that when, with Federal Justice Minister Chris Ellison and the Western Australian police minister, I was able jointly to announce two Panzer references, one of which was the South Australian Panzer reference. That Panzer reference is a key initiative in a lot of work that is going on in South Australia by both police and our government on reducing illicit drug activity, issues around prostitution and other very serious crimes in which we all know that outlawed motorcycle gangs are involved. This concludes three years of effort by police and many people in our government and the federal government. The High Court decision in the Hughes case prolonged what we were hoping to get up earlier.

The Panzer reference broadly gives the South Australia Police much broader powers in how they can intervene and work on criminal activities within outlawed motorcycle gangs. It brings directly a signed agreement between the South Australia Police and the National Crime Authority. What is very important about this is that we will now be able to break the code of silence that outlawed motorcycle gangs have maintained in South Australia and other states for a very long period of time. So, it is a major breakthrough and it will put enormous pressure on outlawed motorcycle gangs, which I do not believe any South Australian wants to see carrying on the way they do in our state.

This comes on top of other initiatives on which the government has been working for a long time with police. Operation Avatar is a very strong operation. I will not go into the specifics of it, for clear reasons, but rest assured that the sorts of activities that the community would have seen in Kingston in the South-East earlier this year, where 60 or so houses were doorknocked, were all the results of the excellent work of Operation Avatar. Importantly, 20 dedicated police are now assigned to Operation Avatar as a result of the 203 extra police we have been able to place throughout South Australia on top of recruitment and attrition over the past two years. So, the government has been doing a lot.

The second part of the question is also very important, because we saw bipartisanship among other state Labor governments, the federal government and our own Liberal government here in South Australia. I acknowledge in this House that, when the Panzer reference was available to be signed, within days those Labor governments in other states, the federal government and the government in our own state acted quickly to get that reference off. I particularly congratulate the Western Australian Minister for Police, a Labor minister, because that minister was very prepared to work with South Australia on this most difficult issue.

Unfortunately, while all this work was going on, 'Me Too Mike' and the South Australian Labor Party were the only ones in Australia who were not prepared to give our government and the South Australia Police unqualified support. The only ones were 'Me Too Mike' and the South Australian Labor Party. The Leader of the Opposition in this state came out on the day because he wanted to claim a piece of the action. He claimed credit for it and said that he had been putting pressure on for several years. The Leader of the Opposition might have been travelling to America and talking to the FBI and perceiving that he was learning something about outlawed motorcycle gangs while we were delivering—and we have seen the results.

As I said, we have been working on this for three years—and I know that the Leader of the Opposition and the Labor Party do not like the fact that we have had a good bipartisan relationship with other states. While the Leader of the Opposition was travelling in America, we were doing the work. I believe that the best knowledge that the Leader of the Opposition has about gangs is the factionalised gangs in the South Australian Labor Party. If people do not believe me, they should ask the member for Price (who will soon be the member for Cheltenham), and he will tell them what Mike Rann knows about factionalised Labor gangs.

The SPEAKER: Order! The minister will come back to the question.

Members interjecting:

The SPEAKER: Order! The House will come to order.

RIVERLINK

Mr FOLEY (Hart): Will the Premier explain what discussions he has had with the member for Chaffey, the federal member for Wakefield, Neil Andrew, the Mayor of Loxton and member of his electricity task force (and, I understand, Liberal), Jan Cass, or anyone else in the Riverland about the proposed new route for the Riverlink—

The Hon. M.K. Brindal interjecting:

Mr FOLEY: I am happy to start that question again. Will the Premier explain what discussions he has had with the member for Chaffey—

The SPEAKER: Order! The member is running the grave risk of having leave withdrawn. There is no need to repeat the whole question. The member can pick it up at the point when the interjection was made.

Mr FOLEY: Thank you, sir; I will pick it up—

The Hon. M.D. RANN: Sir, I rise on a point of order. Every time a question is asked there is a huge number of interjections from the other side—

The SPEAKER: Order! There is—

The Hon. M.D. RANN: —and, for some reason, they are not being called to order.

The SPEAKER: Order! I suggest that the Leader resume his seat very quickly. The lesson from that point of order is that members on both sides continually interject, and you cannot call one side against the other. The member well knows that, and I suggest that both sides try to bring back into the House some semblance of order.

Mr FOLEY: Sir, I have forgotten where I was up to, so with your indulgence I will start again. Will the Premier explain what discussions he has had with the member for Chaffey, the federal member for Wakefield, Neil Andrew, the Mayor of Loxton and member of the Premier's electricity task force, Jan Cass, or anyone else in the Riverland about the proposed new route for the Riverlink transmission corridor, and why is the government objecting to this proposed new route? On 7 September, the Treasurer (Hon. Rob Lucas) wrote to the New South Wales Treasurer (Hon. Michael Egan), saying that he had only just been made aware of the proposed new route, even though it had been subject to community consultation for the past six months. We are told that Mr Lucas's letter objected to the proposed new route. The opposition has today been handed a copy of Mr Egan's reply to Mr Lucas. In that reply, Mr Egan says that the new route has been made in response to representations by local community groups, local politicians, state politicians (including the member for Chaffey) and federal politicians (including your colleague, Neil Andrew), who together had worked with Transgrid to find the new route. The Mayor of Loxton, of course, has been heavily involved in discussions on the new route and, as I have just said, is a member of the Premier's own task force.

The Hon. J.W. OLSEN (Premier): So?

Mr Foley: Have you had discussions—

The SPEAKER: Order! The member for Hart has asked his question. He can now remain silent.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart

The Hon. J.W. OLSEN: One thing I will do is go and find out what representations have been made that Treasurer Egan in New South Wales referred to as having come from South Australia. Let me go and check the facts. One thing to which I have become accustomed is the assertions from the other side. You need to go and check the fundamentals before you respond to them. I happen to have the NECA code change panel, generators' bidding and rebidding strategies effect on prices summary report, which states that NECA published a consultation paper. It goes on to say, 'We received', rightly, '26 written comments on the draft changes' —26 written comments.

Mr FOLEY: Sir, I rise on a point of order. The Premier is referring to the wrong report. This is the report that you failed to address—

The SPEAKER: Order!

Mr FOLEY: You can't get your facts right.

The SPEAKER: Order! The member for Hart will resume his seat.

The Hon. J.W. OLSEN: I have just relayed to the House what the summary is—it is Volume 2, Report 2, September 2001—and it says that 26 written representations were made, and it related to the bidding and rebidding strategies in the consultation paper that they brought out; and one of the written submissions was from the South Australian Department of Treasury and Finance.

The SPEAKER: Order! I just warn that there are a few members running perilously close to some action being taken against them.

STATE, COMPETITIVE ADVANTAGE

Mr CONDOUS (Colton): Can the Premier please outline to the House the initiatives that the government has undertaken to regain South Australia's competitive advantage as an attractive location for business.

The Hon. J.W. OLSEN (Premier): I thank the member for his question because I think it is an important question to identify and point up differences between performance and delivery in South Australia and some of the other states of Australia. When we came to government, one of the key goals that we set ourselves was to create a business climate conducive to investment: only in that way would we get unemployment queues down and jobs being created. That road has not been easy. The financial circumstances that we inherited became a millstone around our neck, confidence was down, investment had all but dried up and I have reported to the House previously that we had not been on the radar screens for investment for some particular time. But more importantly, we as a state began to second-guess ourselves. We were no longer prepared to back ourselves, to have the confidence that we could once again lead the nation in both economic and social terms.

Today, we can now with some pride say that we have turned the corner. The South Australian economy is enduring a period of sustained economic growth, and even the doom and gloom and the factual gymnastics of those opposite cannot change that fact. Respected, independent economic commentators such as Access Economics, the National Australia Bank, the Australian Bureau of Statistics are all saying the same thing and that is that South Australia is once again leading the nation in a number of key economic areas. We have the highest business confidence in the nation, the strongest export growth, the strongest growth in retail trade, the strongest growth in building approvals and an industrial relations record that is the envy of the nation.

Just this morning we saw more recognition in the national press, in the *Financial Review* no less. I notice that the member for Hart today, for the first time, does not have the *Financial Review* on his desk. Why would that be? Why would the member for Hart not have his *Financial Review*? Well, I can tell you why the member for Hart does not have his favourite reading material with him today and that is because it says, 'South Australia is in good shape,' and it says, 'South Australia has put on an impressive turn on growth.' Such comments were unimaginable in the past. The *Financial Review* warns of challenges in the future, and this state has always done so, but it recognises our turnaround.

The *Financial Review* also recognises that we are the biggest spending—and listen to this—the biggest spending state on social and community services like education and law and order. The *Financial Review* says that we have more public hospital beds per capita than any other state. This is another story that Labor does not want people to hear about, that shows how our economic strength is helping us to strengthen our communities. Results such as these have only been possible because the government had the fortitude to take the tough decisions in order to get the states's economic fundamentals in order.

The government has been able to achieve this turnaround only by participating in a partnership with the business community. All South Australians deserve some credit for their patience and participation in what has been a remarkable turnaround in this state's fortunes. With the economy now back on track, South Australian businesses are reaping some of the benefits: $108 million in WorkCover cuts or benefits over the past two years; a $22.5 million reduction in payroll tax cuts this year (with further cuts and an increase in the payroll tax threshold from 1 July next); and a $65 million

reduction as a result of the abolition of financial institutions duties.

In 1999-2000 alone, the government's investment attraction activities resulted in the creation and retention of more than 4 000 jobs and $240 million worth of new private sector investment. They have included investments from world industry leaders, such as Compaq, BAE Australia, General Motors and Saab, all of which are looking to and investing in South Australia.

What does all that mean for the South Australian economy? It means an estimated $2 billion boost to our gross state product. But why, may members ask, are all the respected international firms choosing us as an investment location? Getting the economic fundamentals right is only part of the equation. The other side of the coin is to ask: what are your competitors offering? And this is the important point. What are the competitors offering? On this front I was interested to see Geoff Gallop's first budget in Western Australia. Premier Gallop delivered what can only be described as a kick in the shins for business in the west. Premier Gallop, the new Labor leader in Western Australia, is a good friend of the Leader of the Opposition, because the leader said on air that he thought that what Geoff Gallop stood for was great; that he was a mirror image of Geoff Gallop; and that he would be implementing, with half a chance, the same things in South Australia.

Members interjecting:

The Hon. J.W. OLSEN: A good friend; I understand that he is a good friend of the Leader of the Opposition. His good friend, the Premier of Western Australia, has broken a fundamental key promise within six months. What has Premier Gallop done? He has increased land tax and payroll tax by a staggering $140 million in one budget—$140 million up in one budget. To add insult to injury, despite these massive increases in costs on business, net debt is forecast to rise in Western Australia. So, the taxes have increased but the net debt level has also increased. And that is not an isolated incident.

Members interjecting:

The Hon. J.W. OLSEN: That is not isolated. Let us have a look just across the border at Victoria. In Victoria, the Bracks ALP government has just slugged businesses a 17 per cent increase in WorkCover levies. That equates to over $180 million extra to businesses in Victoria. A clear pattern emerges from that in regard to the performance of Labor governments.

Mr Foley interjecting:

The Hon. J.W. OLSEN: Well, the contrast—in response to the member for Hart's interjection—is that our WorkCover costs and benefits have reduced by $108 million. New South Wales has increased by $180 million, and that is not adding the abolition of FID and it is not adding the payroll tax reductions that have been put in place in South Australia.

One message comes out of this: in the past Labor has been high taxing. Labor governments in both Western Australia and Victoria are proving, by their actions, to be high taxing governments. There is the comparison; there is the contrast. The Labor Party in this state has refused to rule out tax increases. It will not be long before we see the old Bankcard dusted off to pay for the ALP's spending wish list.

The member for Hart says he wants to keep within our parameters, but he is going to reorder priorities. He is trying to reorder priorities that have been reset. We put a strategy in place related to consultancies the budget before last. We have more than half delivered on that, so he is actually reordering priorities with funds that he does not have, because the changes are in train; they are in place. The only way the member for Hart can meet some of the wish list of his colleagues is simply to cut back on roads in our country areas and cut back on other spending. That is the option.

Members interjecting:

The Hon. J.W. OLSEN: The deputy leader wants to have an election, she says. She will get one; there is no doubt that there will be one. The deputy leader wants an election. If she is ready I simply say—

Members interjecting:

The SPEAKER: Order! There are too many audible interjections on my right and left.

The Hon. J.W. OLSEN: If you want an election, when will you release some policies as you promised last year? In October last year the leader said at the ALP state council meeting that by Christmas he would release policies and detailed costings. Here we are—

Mr FOLEY: On a point of order, sir, this is just a rambling display by the Premier. He is that far away from the question. I ask that you call him to order.

The SPEAKER: There is no point of order under standing order 98, but I would ask the Premier to have regard to the clock and start to wind up his reply.

ELECTRICITY, NATIONAL MARKET

Mr FOLEY (Hart): My question is directed to the Premier, who likes to defend price gouging by generators. Given the Premier's refusal to rule out delaying households entry into the national electricity market, can the Premier provide South Australians with an absolute assurance that any such action would not expose a future government and the taxpayers of South Australia to legal action by participants in the national power system or any other risk to South Australian taxpayers? Today the Premier has stated again that he may put back the 2003 deadline for households to enter the deregulated electricity market. However, last month the Government's own key electricity adviser and Deputy Under Treasurer, Mr Gino De Gennaro, told the Economic and Finance Committee of state parliament in an open forum that with such action 'clearly that risk does not go away, it gets absorbed by the taxpayers'.

The Hon. J.W. OLSEN (Premier): I have read the *Hansard* report of the Economic and Finance Committee on that occasion and I am very interested in the contribution of a number of members in that particular debate. I indicated to the House that we had legal advice that it is an option for us to defer the 1 January 2003 full contestability. I have also advised the House that we will be looking at a range of issues related to that. In addition, I went on—and if the member for Hart would listen to the answer to the question he might not have to ask subsequent questions—to say that the measures we put in place will address the long-term solution for South Australia. We will not put in place quick fixes that compound the problem in subsequent years.

E-EDUCATION INITIATIVE

Mr SCALZI (Hartley): My question is directed to the Minister for Education and Children's Services. Will the minister outline for members of the House how students in our public schools will benefit from the government's e-education initiative?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): Our students are fast becoming the most IT savvy in the world. Why is that? It is because the government has invested over the past five years some $85.6 million towards information technology and computers and the training of teachers in our schools. South Australia now shares the ratio among the best in the world of one computer for every 4.7 students. We have given the opportunity to 176 000—

Mr Foley interjecting:

The SPEAKER: Order! The minister will resume his seat. The member for Hart is warned for the third time. If you interject again, you are in the hands of the House.

The Hon. M.R. BUCKBY: Thank you, Mr Speaker. Our investment has given 176 000 students and 16 000 staff in every school in the state fast, cheap access to high quality internet access. The government's investment is paying off. If members log onto the departmental web site, they will get access to a number of other web sites which have been developed by students in our schools and which are very high quality. In fact, students in the Outback won a national web site competition for developing those web sites. Those talented teams continue to develop web sites in their schools, continue to share information between schools and develop IT information and IT skills.

The government has gone further. The government has now committed an additional $75 million over the next five years in a program called e-education, which is an IT program for our schools. The government's strategic and holistic approach to IT will address simultaneously curriculum innovation, teacher development, ICT competencies for students and staff, internet access, hardware and software and computer networks in schools. This will ensure our students and teachers have world-class hardware and world-class training to ensure our students leave our schools with the best qualifications. Our school leaders will be involved in leadership programs to further ready them to prepare for technology in their schools.

Teachers will be supported and trained in the development and delivery of online curriculum and, through the Technology School of the Future, schools will trial and test the best equipment and the new methodologies for future applications in schools. Our students in year 11 will achieve internationally recognised computer qualifications and leave school confident and work ready. There is a real benefit for employers in that as well: they know they are receiving students with a high level of IT qualifications. The e-education initiative links with the government's Information Economy 2002 policy which makes South Australia the most connected community in the world.

But it raises the question of how our budding IT specialists would travel the information superhighway were Labor at the helm? In Labor's last year of government only $360 000 was spent on IT; only a scant mention of IT is there in its thin education mantra. Infotech for our students under Labor would certainly career right off the superhighway and crash.

The member for Taylor has dragged out her cake stunt again. This time it is not a GST cake but an education cake—and the Labor factions are fighting over it. The self-proclaimed education Premier has grabbed a slice; Dr Lomax-Smith has a firm grasp on another big chunk and the member for Taylor is scurrying along behind trying to hang onto the leftovers. The point is just who in the opposition is actually committed to education?

ELECTRICITY, PRICE

Mr FOLEY (Hart): My question is again directed to the Premier. Given the Premier's previously stated support for the doubling of the wholesale price of electricity to $10 000 for the VOLL per megawatt hour, does the government support the decision by the National Electricity Code Administrator (NECA) to go ahead with the electricity price rise for the VOLL from $5 000 to $10 000 from April next year? The Olsen government's own national electricity market task force said there was an urgent need for a review of the proposed doubling from the maximum wholesale price of electricity. As we know, no written submission was made by government, and we are further informed that the government failed to raise this proposed price rise at last Friday's national electricity ministers' forum in Melbourne.

The Hon. J.W. OLSEN (Premier): Just to repeat, as it relates to the consultation paper that was put out by NECA, the South Australian government did make a written submission in relation to the proposed rule changes on rebidding—statement of fact! As I mentioned just a moment ago, the executive summary of volume 2 in the September 2001 report clearly identifies that, on the consultation paper and the draft changes suggested by NECA, the South Australian Government did make a report, and the South Australian Department of Treasury and Finance's written submission was one of 26 submissions to the proposed consultation paper that included changes to the rebidding practices of NECA.

I indicated previously a range of issues that we would be putting on the agenda for debate—a number of issues that were taken up by us at the COAG and the Premiers' Conference. I know that those matters raised at the Premiers' Conference were communicated to the various regulators, in that they monitor what Premiers' Conferences determine in a range of areas are appropriate matters for investigation. It is fact that some of the reports that are coming out now clearly indicate that they have reviewed those issues that we have identified previously as needing to be addressed.

STUDENTS' OVERSEAS TRIPS

The Hon. R.B. SUCH (Fisher): Is the Minister for Education and Children's Services aware of schools cancelling overseas student trips due to the recent terrorist attacks and subsequent impact on the airline industry and possible conflict in Afghanistan? Is the minister's department offering to compensate schools for any losses not covered by insurance, and is he aware that he is being held responsible for the cancellation of trips, even in the non-government sector? Mrs R contacted my office today and said that she was booked to go on a school trip to Italy last Sunday. She stated:

> It was cancelled on Saturday night because Malcolm Buckby said schoolchildren should not travel.

She will lose $12 000. She, her mother and daughter were to travel with a group from Mary MacKillop College. She feels that the whole thing is a bit suspect since the Department of Foreign Affairs has not said that people should not travel to Europe.

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I can inform the House that I have no authority over the Catholic Education Centre.

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: I have no authority over Catholic education in South Australia. Mr Allan Dooley is the one who directed what happened with Mary MacKillop—

Mr Hanna interjecting:

The SPEAKER: Order! The member for Mitchell can ask a question if he wishes.

The Hon. M.R. BUCKBY: —and whether or not they decided to go on that trip. That is the responsibility of Catholic education. What I can tell the House is that I have made the direction that schools postpone any trips which they are taking and which may be going to Europe, particularly those involving flights that are travelling in air space over possible conflict zones. A total of 11 schools that were about to undergo trips were affected in September. Nine of those trips have been approved by the department. Two schools—Victor Harbor High School and Seaview High School—have postponed their trips until April of next year. Seaview High School postponed its trip before I made any direction or suggestion.

The other trips that have been approved have all been flying to Japan, Korea or New Caledonia. I believe that the prime factor in all this is the safety and welfare of staff and students in government schools for which we have responsibility. I have suggested to schools that they should postpone those trips that will involve flying over air space that could be in conflict. We do not know what will happen over the next few weeks. The Victor Harbor High School trip was going to France for a period of two weeks. I have made the decision that, if parents still wish their children to go, they may go as a private trip but not as one which is sanctioned by the department or on which departmental staff will accompany students.

We are at a time in the world where all precautions need to be taken. I have taken advice from the Department of Foreign Affairs and the international unit within my department. The Department of Foreign Affairs has advised me that at this stage only travel to Europe that is of absolute necessity should be undertaken, and that is why the decision was made. I take great care with our teachers and students and believe that they need to be careful at this time.

PASMINCO

The Hon. M.D. RANN (Leader of the Opposition): Given the Premier's previous comments about businesses reaping the benefits of his policies, and given the Premier's statement today that he would not shirk from fronting up to his clear responsibilities on the electricity issue, will he join me in a meeting in Port Pirie with the Pasminco workers to explain to them why the Port Pirie smelting operations face a power bill increase of 60 per cent from $12 million to $19 million following the government's privatisation of power and given the Premier's promise of cheaper electricity after privatisation? Will the Premier detail what discussions he has had with Pasminco and its administrator about the smelter's power price crisis?

The Hon. J.W. OLSEN (Premier): We have had discussions with Pasminco and the administrator related to all the issues confronting Pasminco. The leader overlooks one clear point in his explanation. I forget the exact figure but, as I understand it, of the order of $800 million plus was lost by the company on hedging policy last year. I am advised that it made $20 million profit last year. The Deputy Premier has been in Melbourne and has spoken to the administrator about all the issues confronting Pasminco, and the Deputy Premier and I are having further discussions with Pasminco in the next few days. We will also continue our dialogue with the administrator, as we have done with most businesses that have issues to confront, to see what the government might do to facilitate an outcome that retains jobs, value adding and exports in our state. Our track record and performance have always been that we have worked through these issues with a range of companies in an endeavour to get the best outcome for South Australia, and it will be no different with Pasminco. It is okay for the Leader of the Opposition to gild the lily and pick out but one component. He conveniently—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The leader will come to order.

The Hon. J.W. OLSEN: The leader also overlooks the fact that the Port Pirie operations made a $20 million profit as reported last year, and we are advised that the Port Pirie operations will continue in the future. The member for Giles might well have a look at their management decisions, which lost hundreds of millions of dollars on the hedging market overseas. If you want to know why their capitalisation has gone from billions of dollars down to about $100 million in the space of a few months, it has been management policies, boardroom decisions and, principally, involving hedging against the Australian dollar. That is why the company has collapsed in its current circumstances. That is the reason why, despite that management decision and boardroom decision that has been made that was quite wrong and put in jeopardy this company, the Port Pirie operations, as we have been advised by the administrators and others, is a profitable operation and, in answer to the Leader's question, we will continue to work through with any company that has an investment in this state, that has an export product, that is an employer in this state, to maintain those employment levels into the future—

The Hon. D.C. Kotz interjecting:

The Hon. J.W. OLSEN: —no assistance from the opposition leader in those regards; I acknowledge that—in stark contrast to those circumstances that applied seven plus years ago. With respect to those circumstances that applied a number of years ago, we went right off the radar screen for private sector new capital investment in the state. And with the best of gymnastics, to which I have referred, what the opposition cannot take away is the renewed economic circumstances and the fact that we are now leading Australia in a number of those economic circumstances.

Mr Speaker, what does that mean to the average worker in the state? I will tell you what it means. Their pay packets have gone up by 7 per cent in this state. Elsewhere in Australia they went up 4.7 per cent. What we have seen is the average wage earner in South Australia better off today as a result of the renewed economy in this state. A 4.7 per cent increase in pay packets across Australia, a 7 per cent increase in pay packets in South Australia: what does that mean? That means a greater disposable income for families, and a greater disposable income for families means—

Members interjecting:

The SPEAKER: Order! The members on my left will come to order.

The Hon. J.W. OLSEN: One thing that even the Leader of the Opposition cannot challenge is the approximately 5 per cent fewer people on the unemployment queues in South Australia, and the more people in this state who received a pay packet than when they left office. No wonder they are testy about it.

Members interjecting:

The Hon. J.W. OLSEN: The member for Giles intervenes. The member for Giles should have a look at the benefit that has gone into OneSteel as a result of this government's

policies. Have a look at what this government has done with the SASE project. I know that the member for Giles is under a bit of pressure from an Independent in her seat at the moment. I understand that. But she should not let the pressure in her seat get in the way of acknowledging the reality of the circumstances. The economy of—

Members interjecting:

The Hon. J.W. OLSEN: Now we have the member for Mitchell. We understand why he is a little bit testy today. I wondered how long it would take for him to come out from behind the pillar. It is the undeniable fact that our exports are up, our jobs are up, our unemployment is down, the private sector is in place, there is a new set of circumstances, and pay packets for South Australians have increased above the national average. That has to be better news and good news for ordinary South Australians.

PUBLIC WORKS COMMITTEE

Mr LEWIS (Hammond): I bring up the 157th report of the committee, on the Old Noarlunga Sewerage Scheme Project, Final Report, and move:

That the report be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be published.

Motion carried.

GRIEVANCE DEBATE

Mr FOLEY (Hart): I want to talk about electricity today. Make no mistake, this government is about to unleash onto every South Australian household a massive electricity price rise from 1 January 2003. Every single household faces a 30 per cent to 80 per cent increase in the price of electricity, thanks to Mr Olsen and his failed electricity policy.

Mr Venning interjecting:

Mr FOLEY: On a point of order, sir, can I ask for the member for Schubert to retract the word 'liar' that he just yelled across the chamber?

Members interjecting:

The SPEAKER: Order! The chair was distracted at the time but if the member did use the word I would ask him to withdraw.

An honourable member interjecting:

Mr FOLEY: I will accept his denial. The fact of the matter is that this government is wreaking havoc on electricity prices in this state. Businesses have faced upwards of 100 per cent price increases and, thanks to Mr Olsen and this Liberal government, power price rises upwards of 100 per cent are on their way, courtesy of this government. But it goes deeper than that, sir .

The SPEAKER: Order, the Minister for Tourism! Would you either go into the gallery or resume your seat please.

Mr FOLEY: This government is guilty of neglect; this government is guilty of incompetence; and this government is guilty of being asleep at the wheel when it comes to fixing our state's electricity crisis. We have one generator at Port Augusta, NRG Flinders, a privately owned power station that has been found by the National Electricity Code Administrator to have been deliberately price gouging the market to maximise profits. This Premier knew about it but did nothing about it. In this parliament today, this Premier defended the practice of generators reaping profits out of our market and doing so in an unscrupulous manner. This Premier defends generators that want to maximise profits because he sold our generators to the private sector. This Premier is happy—

Members interjecting:

The SPEAKER: Order! Members on my right will remain silent.

Mr FOLEY: This Premier had an opportunity to put a submission into NECA criticising the practice of rebidding. The report came down in July this year, and it did not include one written submission—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order, the member for Waite!

Mr FOLEY: —from this government.

The Hon. M.K. Brindal interjecting:

The SPEAKER: Order, the Minister for Water Resources!

Mr FOLEY: And the Minister for Tourism, who we know has plenty on her mind—all to be revealed shortly—can just sit there because she is part of a government—

An honourable member interjecting:

Mr FOLEY: Well, you are rather well dressed today too, might I add. But at the end of the day, every single member of this government is responsible for the electricity price crisis in this state. And what do we see? We see no action from this government, no submissions to the bodies that administer it and no action by the Treasurer. The Treasurer of this state is still actively white-anting and opposing Riverlink. There is one opportunity to get cheap power from New South Wales, and what do we find? We find that the Treasurer of this state is white-anting that project at every opportunity, is opposing the project at every opportunity and is doing nothing. He is not intervening; he is not taking action; and he is not showing leadership on this issue. Rather, he is hoping that the privatised electricity system that John Olsen said he would never sell—the system that this Premier said he would never sell—is now delivering price increases in this state upwards of 80 per cent to 100 per cent, and every single household, down every single street throughout South Australia, is facing a price nightmare when it comes to electricity, courtesy of John Olsen and this Liberal government.

John Olsen and this Liberal government will deliver massive electricity price increases in a little over 12 months time. Every member of this government is responsible for delivering that massive price increase on electricity, and they are doing nothing about it: the member for Waite, the member for Stuart, the member for Custance, the member for Unley, the member for Coles—

An honourable member interjecting:

Mr FOLEY: —the member for Schubert I should say. Every single member has backed their Premier. Well, you backed the wrong decision. If members opposite want to get out there and campaign on electricity—

The Hon. M.K. Brindal interjecting:

The SPEAKER: Order, the Minister for Water Resources!

Mr FOLEY: —have the courage to call an election. Let us go out now and fight the next state election on electricity, because you will be condemned.

Time expired.

Members interjecting:

The SPEAKER: Order!

Mr Venning interjecting:

The SPEAKER: Order, the member for Schubert! The member for Stuart.

The Hon. G.M. GUNN (Stuart): The further they slip in the polls, the louder the squeals and the anguish that will come from the member for Hart. On a weekly basis we will hear the member for Hart in his grandstanding effort because he knows that they are in trouble. What a hypocrite. What an insincere member. He would stand in this House when he was the economic adviser to the failed Arnold government—

The SPEAKER: Order! There is a point of order.

The Hon. G.M. GUNN: —that lost thousands of millions of dollars.

The SPEAKER: Order! Could I suggest that the honourable member at least respond to the chair instead of continuing to rabbit on. The member for Spence.

Mr ATKINSON: My point of order is that the epithet 'hypocrite' has always been ruled unparliamentary whether or not the honourable member to whom it applies objects, and therefore I ask you, sir, to ask the member for Stuart to withdraw what has been, for many years, unparliamentary language in all English speaking parliaments.

The SPEAKER: I really think that it depends on the context. There have been times when it has been withdrawn and there have been times when it has not. The context was such this afternoon that I will not ask for it to be withdrawn, but I do not think it is appropriate language to be used in debate in this chamber at any time. The member for Stuart.

The Hon. G.M. GUNN: It is clear that members opposite can hand it out but they cannot take it.

An honourable member interjecting:

The Hon. G.M. GUNN: You have a glass jaw. The honourable member and his poison pen can malign people around the state, but when it gets given back to him, particularly when it is factual (something he does not understand), the honourable member calls for help; he puts up his hand. The member for Spence does not want to mix it: he wants to have a one-sided argument all the time—absolutely one-sided. The people of South Australia clearly will remember who put the overdraft up in South Australia, who ran down the finances, who wrecked the economy and who stopped capital investment. I suggest to members of this House that they travel around and see the real investment in South Australia in schools, hospitals, tourist projects, roads and water.

The Hon. M.D. Rann interjecting:

The Hon. G.M. GUNN: We know that the leader put his own colleagues in when they went to Korea; that is well known around here. If the honourable member wants to talk about world travel, well, one of his colleagues spent $19 000. I make no apology for any trips I have made overseas. I will go overseas whenever it suits me and I will not be told by the *Advertiser*, their poison pen journalists or anyone else. Let me make one other point: I have been very concerned for some time that the power and influence of the bureaucracy are having a detrimental effect on average citizens.

When citizens are dealing with the state, its agencies or instrumentalities, they are at a great disadvantage. There is a clear responsibility upon bureaucracy, inspectors and other officials to explain clearly to people their rights and that they are not required to sign statements or to answer questions and they do not have to give people right of entry. Citizens are entitled to have people present when they are interviewed and they are entitled to seek advice. These officials are not entitled to interfere with people's management practices or to stop their making a living.

I am most perturbed at the information that was given to me earlier this week in relation to a farmer and his dealings with an inspector, and I will be pursuing that matter. I call upon the minister in question to ensure that all due processes are followed. I am pleased that the Attorney-General is holding an inquiry into the powers of inspectors, because people are at a grave disadvantage, and they should not be. It is not certain people's role in a democracy to interfere unduly, to threaten people or not to advise them of their rights. There is a very fine line between what is necessary and what is fair and reasonable.

I call upon all the ministers to ensure that all the agencies and instrumentalities under their control act fairly and treat people with the respect and the dignity to which they are entitled.

Time expired.

Ms KEY (Hanson): Tomorrow concerned parents from the Cowandilla Primary School and I will be meeting with minister Lawson. The reason for this meeting relates to health and safety issues that have been reported at that school. Initially, the concerns centred on issues surrounding redevelopment and what is happening in the school. This redevelopment has occurred as a result of the extremely poor conditions in which the students and staff find themselves on the Cowandilla campus. Over the past four years—and having spent a lot of time at that school—I have become aware of an obvious need for redevelopment, and there have been so many reports from students—and later from teachers—about the problems at that school.

The first report I remember indicated that the ceilings were bowing. A number of parents were worried that the actual ceiling boards would fall down on the children, and that view was also supported by the teachers. That was our first problem. There was then a report of maggots falling from the ceiling. I must say that, when some of the young children told me this story, I was not convinced that it was maggots. I believed that something had fallen from the ceiling but, unfortunately, these were true reports. Obviously, there had been a dead possum or bird in the ceiling and the maggots were falling down.

Also, bits of piping and downpipe frame had been left on the side of the school due to part demolitions. If you managed to bump into the downpipe frame you were quite likely to receive a nasty gash because of the sharpness of that downpipe. We then get to the demolitions themselves. The sort of complaints I received from Cowandilla Primary School parents in particular related to their concerns about the lack of signage and the lack of notification with regard to the demolitions. The use of pesticides and chemicals—particularly to eradicate the vermin associated with the school—then became the major complaint from the parents and teachers of the Cowandilla Primary School.

I remember talking to a number of parents who explained that, at home time one day in August this year, the whole school turned out—even the kindy kids—to watch the demolition of a building. One of the buildings—with only plastic bunting between the spectators and the building—was demolished. Although I was concerned to hear that this demolition had occurred during school time with a maximum attendance, I must say that I did not pay much more attention to it. I then became aware that, even as late as yesterday, it

was unclear whether or not that building contained friable asbestos, and that situation applies to a number of other buildings that have been demolished on that site, including the toilet block.

Following an investigation, and particularly looking at the asbestos register at the Cowandilla Primary School, it was disturbing to discover that the register was out of date by at least two years and quite inaccurate to the point where asbestos that was supposed to be removed from particular buildings and sighted at the particular time of removal had never existed.

There were also reports of buildings that were not supposed to contain any asbestos but later in the asbestos register had a development number next to them to say that asbestos had been removed. It is no wonder the parents, teachers, students and the whole community of the Cowandilla Primary School are very worried. I hope that Ministers Lawson and Buckby can reassure the Cowandilla Primary School, but the point remains that this is a very tardy way of looking at health and safety in that school community.

Mr HAMILTON-SMITH (Waite): I rise to address the events of 11 September and the weeks that have followed. I follow on from remarks I made yesterday about that tragic event and the subsequent sequence of events that have followed. I made the point yesterday that the problem faced is one not of religion but of fanaticism, extremism and terrorism. I tried to explain to the House that in my view the extremist Islamic fundamentalists who are behind these acts of terrorism tend to see the world very much in terms of the crusades and the longevity of history. I was interested today to see Osama bin Laden now talking in terms of a Christian Jewish crusade and calling on Muslims around the world to rise up in some form of jihad to defeat the crusaders. The imagery is very much that of the 11th and 12th century when the original crusades were occurring.

This reinforces the theme that we must understand that many of the poor, impoverished and poorly educated in third world countries tend to have only information flowing to them through their churches or places of worship. This is very much the case in the communities that support extremist fundamentalists who are sponsoring these acts of terrorism. The tragic development of this September has been that international terrorism has evolved into its next iteration. International terrorism, with which we have been very well acquainted since bombers killed three at the CHOGM in Sydney in 1998, and subsequently as we witnessed dozens of aircraft hijackings, bombings and assaults on people with guns and grenades and assassinations, is nothing new to Australia and the west—we are familiar with it.

However, international terrorism is evolving to a new global variety of transnational guerilla warfare. This is affecting South Australia. We have heard today in question time concerns about the effect of it on the economy, upon our education system and on air travel. People out in South Australia are worried and concerned about this issue. I am a little disappointed that this House is not picking up this issue a little more earnestly and trying to touch the matters of concern to ordinary South Australians out there who are certainly raising issues with me, and I am sure with many other members, about what this means.

In my view—and commentators have not really picked up on this—terrorism is really transforming itself into a new form of transnational guerilla warfare. The tactic of terrorism is being developed into a strategy, an overarching paramilitary strategy by means of which a handful of fanatics hope to incite the ill-informed, the impoverished or the dispossessed into some form of global intifada against democracy and the freedom loving countries of the west.

I was fortunate enough to have an opportunity to complete a masters degree at the University of New South Wales in the 1980s on guerilla warfare and particularly its history in South-East Asia and the Near East. My studies focused on the revolutionary warfare insurgencies in Asia and the East, particularly Vietnam/China but also parts of the Middle East, which leads me to the conclusion that this new phenomenon will be a long campaign indeed. This is not a lone and uncoordinated terrorist event. President Bush is right: it is a campaign of paramilitary warfare against us all. I will speak on this matter again hopefully during the grievance today and during a series of grievances over the next few days as it is an issue that needs to be brought to the attention of the House.

During my 23 years as an officer in the Army, most of my time was spent dealing one way or the other with our counter-terrorist plan, and in 1980 I commanded our counter-terrorist force, which would respond to a terrorist incident. It is a matter of considerable interest to me and one that we all need to understand in order to go forward.

Mr HILL (Kaurna): Today I rise to expose before this House the hypocrisy and political pork-barrelling of a government minister. I do this with little pleasure as I am on friendly terms with the minister involved. I refer to the Minister for Police and Emergency Services, the member for Mawson, my neighbour in the southern suburbs. Recently the *Southern Times* carried a story advising the community that McLaren Vale needed and could get a 24 hour a day ambulance service. The member had gone to the City of Onkaparinga Council and put that position to them. I noted the story and cynically thought how convenient for the member for Mawson that, as the responsible minister, he could achieve this outcome in the months leading up to an election. The most I accused him of at that time was stage managing an announcement—an announcement that I assumed was in the pipeline in any event and I assumed that the ambulance service he was describing was in fact needed.

I have since discovered that I was being naive in the extreme in this regard. I have now been told from senior sources within the ambulance service that the decision to fast track the 24 hour station is not one agreed to by the ambulance services management team. In fact, they believe that a day service open between 7 a.m. and 7 p.m. is what is required. I am not saying here that an ambulance service is not required in that district—I do not want to give the House the wrong impression: it is obviously required but within those hours and an after hours service is not required, according to management services. They are adamant that another night shift in the area is not needed and that the Aldinga service is capable of supplying the after hours demand.

It is unfortunate that the member for Goyder is not in the Chamber, but he should take note of this point: the ambulance services management believe that a new 24 hour service is warranted but not in McLaren Vale but rather in Port Wakefield in the electorate of the member for Goyder. I am sure he will enjoy telling his electors that the 24 hour ambulance service they need has been put on hold because the needs of the member for Mawson are greater. The ambulance services management team is scathing about the

minister's pork-barrelling on this issue. In addition to the Port Wakefield station not proceeding because of this, I have also been told that the much needed extensions to the Aldinga ambulance station in my electorate have been put on the back burner for up to five years.

Having referred to the pork-barrelling, I now turn to the hypocrisy in the minister's actions. For some time now I on behalf of and alongside my constituents in the Aldinga area have been campaigning for the state government to honour its 1993 election promise to build a 24 hour police station in Aldinga. Representations, public meetings, petitions, articles in the local media have all been to no avail. At a public meeting called by me late last year, Minister Brokenshire attended (for which I thanked him and continue to thank him) and told my constituents that a 24 hour police station was not warranted, that the services at night time could be better delivered through the Christies Beach station and this was what the police department wanted. The minister was accompanied by two senior police officers who backed him up on this.

I ask the minister, the member for Mawson: why the double standard? If he can tell the residents and property owners of Aldinga that a 24 hour police station is not required, despite promises made by his party to deliver on it, why does he not tell his own electors that a 24 hour ambulance station is not warranted? Why is he abusing his special position as minister to pork-barrel in his own electorate? The answer is clear. The member for Mawson is desperate: Moira Deslandes, the Labor candidate, is coming after him and he is clutching at straws.

Ms Key: A great candidate.

Mr HILL: A great candidate, as the member for Hanson says. Let me offer a warning to the electors of Mawson: the Liberals will say anything to get your vote, but do not be fooled. While a sod turning for this ambulance station may happen on 17 October, its completion may not happen until after the state election; and, if by some miracle the Liberal government is re-elected, you will not be able to rely on their promises made in the heat of a campaign. Just ask the residents of Aldinga who, eight years after a Liberal promise, are still waiting for a 24 hour police station.

Mr SCALZI (Hartley): Much has been said about the tragedy in the United States. We all have seen images on the television and heard on radio and read in the newspapers stories of heroism, and people have analysed what has happened. One of the most touching speeches I have heard, and I think it is important to note, was that of the United States ambassador. I think it is worthy for us as Australians and as a multicultural and multifaith society to take note of a particular section of that speech. The ambassador said:

> Yesterday, as so many others did, I sought the comfort of a higher being. I am a Presbyterian by faith but I felt as American Ambassador that it was important to remember that God is worshipped in many places and ways. I attended a Catholic mass, an Anglican service and visited a Jewish study centre. At the end of the day, I visited with the imam of the Canberra mosque. In each place I felt the presence of God. In each place I looked into the faces of men and women who shared our pain, shared our horror, shared our disgust at the monstrous acts that have been committed. It is important for all of us to remember that, just as Hitler was no Christian, those who committed these acts were not men and women of faith. No Christian, no Jew, no Muslim would have done such a thing. The common thread that runs through these three great faiths is that love must conquer hate, good must defeat evil.

That is important to remember when we look at the difficulties that exist within our societies. The terrorism that exists within our own minds must be fought with such thoughts. If we do not do so, then we, too, are in danger.

I think it is important also at this time to remember how precious Australian citizenship is. It saddens me, as I have said many times before, that there are still 950 000 permanent residents in Australia who are eligible to become Australian citizens but who have not taken action to fully participate in and contribute to our great democracy. I am aware that in South Australia alone there are 70 000 permanent residents who have not taken up citizenship. In the centenary of federation, I think this is important, and I commend the federal government for its campaign to encourage these eligible permanent residents to become Australian citizens. I have done so in my office, and I have done so as a member of parliament for the past eight years.

At every opportunity at citizenship ceremonies and public functions I do my utmost to promote Australian citizenship. Citizenship and multiculturalism are two equal sides of the one coin; to promote one without the other is to devalue us as Australians. It diminishes the currency of what it means to be an Australian among democratic countries throughout the world. I have written letters to the local paper and the *Advertiser* and I have promoted the importance of citizenship at every opportunity. I urge other members to do likewise in this centenary of federation. I believe that as members of parliament we have a duty to promote citizenship. We have a duty to promote what binds us all as a people in this great country. As I have said on other occasions, Australia is like a mosaic. Without a vision we have only colour and texture; without colour and texture we have no picture; without commitment by people in public place, that mosaic can turn into a collage ready to fall apart in difficult times. And these are difficult times.

Time expired.

PUBLIC WORKS COMMITTEE: LE MANS TRACK PROJECT

Mr LEWIS (Hammond): I move:

That the 154th report of the committee, on the Le Mans Track Project—Status Report, be noted.

In September 2000, the Public Works Committee reported to the parliament on the proposal to undertake various capital works to facilitate the staging of a round of the American Le Mans series on the Adelaide grand prix street circuit (parliamentary paper 182). In the report that the committee submitted to the House, we said that the committee heard that the best case scenario for the net effect on the Consolidated Account of this state was $6.8 million and at worst about $8.4 million. The committee expected to be informed of the actual costs of staging the event when that information was available.

However, in the quarterly report of the Minister for Tourism following the race, the net cost of the event is stated to be $7.9 million. This figure is close to the worst case scenario projected in the agency's initial submission. The committee was told by the minister's economic consultants that the estimated flow-on benefit to the state economy as a result of the Le Mans race would fall in the range between a worst case scenario of $20 million and a best case scenario of $30 million. However, the post race estimates provided to the committee tend towards $20 million, with further increases in this figure dependent upon, we are told, unquantifiable and anecdotal data. The minister has indicated that a true figure in this respect will never be possible.

The committee was told that the expected attendance across the whole event would be between 150 000 and 200 000. Official estimates of the true total vary, and the final figure has not been provided by anyone. The most consistent total is of an estimated paying audience of only 100 000 from a total ranging between 135 000 to 141 000—none of which reaches the 150 000 figure. The committee is concerned about the inconsistencies between various accounts of the total attendance for the event.

The committee received evidence to say that all the construction and dismantling schedules were either met or exceeded. At the time of this report no scientific information relating to the biological impact of the event on the parklands has been provided to the committee. I can say, however, that I have been told privately that the sward of green pasturing which might be loosely described as lawn of the parklands has recovered remarkably; and I was told by someone from whom I got no assurance that they would not mind if I mentioned their name. I shall not do so, but I assure the House that it was someone of standing and integrity whose opinion could, in my opinion, be trusted.

The committee is concerned that the final cost and the impact figures delivered subsequent to the Le Mans Race of a Thousand Years have almost all accorded with the low or worst case estimates provided to the committee prior to the event. The committee is equally concerned that the assumptions on which the initial estimates were made are not able to be objectively evaluated.

The committee was pleased to learn that the construction and dismantling processes were completed either within or on schedule. In the absence of information detailing the biological impact of any formal nature, the committee cannot make any formal finding. However, given that, and pursuant to section 12 of the Parliamentary Committees Act, we recommend to the House that it simply note the status of the Le Mans track project.

At a personal level, I was one of the members of the committee who expressed grave concern about the rubberiness of the figures and the unwillingness or inability through professional incompetence or ineptitude, or deliberate mischief on the part of the proponents, to provide the committee with any precise statements of how many came and what was the benefit to South Australia. Neither I nor the other people who are interested in this matter regard florid language and other forms of rhetoric as in any way relevant in determining whether or not the event was a success. The best way to judge that is to look at the bottom line, and the bottom line is not just money but also other outcomes that can be quantified.

Ms THOMPSON (Reynell): I want to support the remarks of the member for Hammond and express my concern that the information given to us about the Race of a Thousand Years was so imprecise and that the glowing reports afterwards, which were claiming that the race had come in under budget, were relating to the budget for the worst case scenario, not the best case scenario. This is not the sort of success that we want to have in South Australia. We want to have successes where events do reach the best case scenario, or at least come somewhere close to it. We do not want to see people going around claiming a victory when in fact we have just managed to avoid the worst case scenario.

The attendances at the Race of a Thousand Years in no way matched even the worst case estimates. The worst case estimate was for 150 000 people attending the Race of a Thousand Years, but it is believed that about 140 000 attended, with only about 100 000 people actually paying. I also noticed the way in which we were told with so much confidence about the likely interstate and overseas visitors at the hearing before the work was approved, but after the work was approved we were told that it was impossible to measure these things. This is not the way the South Australian community wants to be treated. If it is going to be a bit of a risk, tell us so, but that it will be a nice party for the community. Do not make out that it will be a great economic benefit.

The other problem we were really concerned about was the damage to the parklands. The way this government has just treated the parklands as a play place for the rich is really quite disgusting. We have the Memorial Drive tennis complex, and if that is not for the rich I do not know who it is for, with membership fees of about $1 000. Certainly I would bet that no-one with the postcode 5163 or 5165 would ever attend that centre, let alone on a regular basis. So, that is one of this government's examples of turning the parklands into a place for the rich and famous. Then we have the wine centre. If people from my area pay the $11 attendance fee to go, they will get to see only about 20 per cent of the floor space that the public has paid for. Then we have the Le Mans track project, which we were told in evidence was for the upper middle classes. Again, there would not have been too many from my area, although I hope some people from my area were able to go and have a bit of fun. People from my area did miss out on the fun of seeing it on television, which I am sure they expected. We have already been through the problem—

Mr Venning: You went!

Ms THOMPSON: I did not attend the Race of 1 000 Years, as either a paying or a non-paying guest; it is not of interest to me, but I know my brothers were very much looking forward to having a party and seeing it on television. However, given that the television rights had it televised in Australia a week after the event between midnight and 2 a.m., they did not bother. I am sure that other people in my area were disappointed that there was all this fun going on where normally, when they cannot attend functions due to financial constraints, they can see it on television. But it was not sufficiently interesting for the television to bother to show it at any time when people watch. When I finally found out that it would not be televised until a week later I knew that we were doomed, and then, when I found out that it would be on at midnight, I thought that if the television is making this judgment about interest in this event our money is gone. We lost $7.9 million on that race. Well, it depends how you define 'lost'. Shall I say, we spent $7.9 million on that race. We do not know how many attended, but it seems that about 100 000 paid to go. We do not know what was the stimulus to the gross state product (GSP), but the best estimates the minister provided indicated that it was at the lower end of the anticipated scale.

So, here we are, we spend a bit of money, put on a nice event for the upper middle classes—as they were described in one of the project proposals—and bother the parklands. This event caused the structures to be up on the parklands for nearly half a year, and that is not what is good for the grass nor what the people of South Australia want in terms of access to their parklands. We were told that structures were removed within the time frame. However, when I checked the evidence on that, only a very narrow range of structures were

removed within the time frame. Many structures remained up along the street circuit for many months.

It is not good enough. I am sorry that people who like motor sports will not be seeing it again, but I am sorrier still that so much money was spent on something that did not work. I do not resist our spending money to see whether things will work when they have great potential benefit to the state, but it is important that we be told exactly what is the case, not merely that it just scraped in under the worst case scenario when we hear statements about its coming in under budget, and that we are told the risk to start with. We want a bit of honesty in government. I am pleased to support the Public Works Committee report and indicate to the community that this committee did at least pursue this issue so that we can get a bit more accountability out to the community and they can see exactly what this government is doing.

Motion carried.

PUBLIC WORKS COMMITTEE: BAROSSA WATER SUPPLY UPGRADE PROJECT

Mr LEWIS (Hammond): I move:

That the 155th report of the Public Works Committee, on the Barossa Water Supply Upgrade Project—Final Report, be noted.

The Public Works Committee has considered a proposal to apply $6.7 million of taxpayer funds to upgrade the Barossa water supply system. I invite all members to note that is about the amount of money we were supposed to be spending on the Le Mans car race. When one considers the benefits generated by both or either and compares them, the end result is pretty interesting. SA Water entered into negotiations with Barossa Infrastructure Limited (BIL) to transport water from the Murray River to the Barossa Valley in South Australia. BIL is an unlisted public company consisting of 260-odd shareholders representing large and medium sized private and public companies as well as individuals. Most of them are involved in horticultural operations in the Barossa Valley.

BIL is constructing and will wholly own, operate and maintain a distribution system in the Barossa Valley. The Barossa Infrastructure Limited System consists of 187 kilometres of pipelines, with four booster pumping stations serving about 340 individual property outlets. Various parts of existing infrastructure will be utilised or perhaps affected by the proposed works. SA Water and Barossa Infrastructure Limited signed a 20 year water transport agreement in September 2000. The agreement is for the transportation of seven gigalitres per annum with the provision of a future increase to 10 gigalitres per annum. SA Water seeks to implement an upgrade of the Barossa water supply system at a cost of $6.7 million to comply with the requirements of that water transport agreement.

The project involves the following modifications to the existing water distribution system. The first stage is downstream from the Warren Reservoir, where there will be construction of a raw and filtered water interface on the Warren trunk main at a point about 8 kilometres downstream from the reservoir near Williamstown. There will also be the construction of a connection point between the South Australian water system and the proposed BIL system at the raw to filtered water interface. Further, there will be construction of a filtered water bypass main to maintain supply to existing South Australian filtered water customers in and near Williamstown.

This second stage is upstream of the Barossa Reservoir. The capacity of the transfer mains in this location between the Mannum-Adelaide pipeline and the Barossa Reservoir will be increased from 14 to 30 megalitres a day by the addition of a booster pumping station and the duplication of a section of the main.

The committee has been told that SA Water would expect to complete stage 1 of the project by 3 December this year and stage 2 by June next year. The committee was also told that there will be some recurrent costs associated with the project, specifically the costs of maintaining a minimum level in the South Para Reservoir prior to the project's peak demand season, to ensure the reliability of supply into the northern areas of the Adelaide metropolitan area. The cost of pumping and treatment of this supply is expected to be about $130 000 a year, or $1.3 million in net present value terms when future costs are shifted in time and discounted in doing so to the present.

The committee also accepts that the sales revenue from Barossa Infrastructure Limited contracts with their customers will be the project's primary benefit for SA Water. The project benefit cost ratio is 1, yielding a benefit neutral outcome. The project will benefit the state's wider economy and the community through increased economic production in the Barossa Valley and specifically increases in added value from the water extracted from the Murray River. The project provides the essential infrastructure to satisfy initial growth demands, and transfers water to areas of high economic activity.

It is a pity that no serious attempt was made to accurately quantify the consequential benefits for the increase in dollar value of the state's gross domestic product to give a benefit cost ratio on that effect on the state's GDP and/or to calculate an internal rate of return on GDP for the investment of this money. It merely restricted its ambit to the consequential effects of spending the money and looking at the immediate revenue stream to SA Water. That, in future, is inadequate. The committee needs to know what the estimated benefits will be of any proposed expenditure on the expansion of the gross domestic product of the state, or the net benefits of improvements in efficiencies or, indeed, a combination of both of those and any other factors that affect gross state product.

The committee accepts that the water transport agreement allows the application of irrigation water for higher valued economic output within the state that yields a maximum added value between 141 and 263. Whilst we were told that that provides us with a corresponding benefit cost ratio between 3 to 1 and 5.6 to 1, we were disappointed in having to pursue that figure independently of the submissions that were made—in other words, by making further requests for it.

The committee believes that it is in the public interest that public infrastructure ought to be available to those who wish to use it. The committee looked for evidence of exclusivity in the rights accorded to Barossa Infrastructure Limited for the use of the public infrastructure in this agreement and believes, in consequence of our inquiries, that there is none—at least, we could find no such evidence—and we are, therefore, comforted after our search in that regard.

The committee is concerned that, in a case of joint public-private proposals and those involving crown land, there appears to be some uncertainty as to what constitutes a public work under the Parliamentary Committees Act. In this case, it was suggested that the work undertaken by Barossa

Infrastructure Limited may have formed part of the overall public work. Indeed, the committee believes that it did, and it should not have been started until after the committee had heard evidence and produced its report.

The committee is concerned that the Parliamentary Committees Act is, from time to time, subject to various conflicting and often diametrically opposed interpretations by the government, and this leads to confusion as to which project should be referred to the committee by force of section 16A of the act. The committee is equally disturbed and concerned that this can be interpreted as demonstrating a bias by the government of the day towards avoiding scrutiny of important projects, and must be clarified immediately. The committee will examine this issue in the near future, with a view to reporting to parliament. The committee raises these points in the context of this report—notice of which, it has been to be remembered, was given many months ago, before we wandered off for the winter recess.

Notwithstanding our reservations about the foregoing, and in no way detracting from the seriousness of the concern that the public has itself expressed about those ambiguities of what the force of section 16A of the act really is, the committee nonetheless recommends the proposed public works.

Ms THOMPSON (Reynell): This is an interesting project, where there is a combination of public sector and private sector activity to bring water to an area where it can be used very effectively for the profits of this state. It should increase the gross state product quite significantly. The challenges of this project are working through the role of the public and the private sectors and how they relate to the legislation under which we currently work. As the member for Hammond has said, there are differing interpretations of how private sector money comes in when work is on crown land and when it is part of an overall project. We hope that this matter will be resolved before long.

The pleas of the Auditor-General and of this committee have so far fallen on deaf ears, but I guess we are about to see a few changes in the way in which the state works—I hope—and I am confident that they will result in greater accountability and greater honesty in government. I would have to say that it would be pretty hard to go much lower, but I do not want to just do as badly as they have done: I want to do much better indeed so that we can look forward to greater scrutiny of these arrangements, which will be complicated, between the public and private sector, and greater honesty in it.

I have noticed, when we have had private sector witnesses before the Public Works Committee, both in this instance and in other references, those people seem to have no problems with the scrutiny. They recognise that, when they are doing things in partnership with the government, there are accountability standards. They have scrutiny by their shareholders, and they expect that their partners will also have scrutiny by their shareholders—and that is done usually in the name of the parliament. We have had a few people who have not quite grasped that concept in the last few years. It has been around for a few hundred years now; nevertheless, some members opposite do not seem to have grasped the concept of parliamentary accountability in the Westminster system. But maybe one day they will.

This raised a number of issues in terms of the work that was undertaken by Barossa Infrastructure Limited. One of the issues about which I was concerned was the arrangements made between Barossa Infrastructure Limited and SA Water in terms of any potential they might have to exclude other private sector partners from becoming involved. My concerns arose out of the arrangements made in relation to the Willunga Basin Water Company, which has been given exclusive arrangements, and a very strange process was undertaken in order to give those exclusive arrangements. However, the committee was assured that there are no such exclusive arrangements here and that both SA Water and Barossa Infrastructure Limited recognise that, indeed, other groups may come on line that want to use the public sector water carrying capacity which is being used here, and that there will be the capacity to do that. That is proper competition in use of public sector infrastructure, instead of monopolies being given to private sector groups instead of public sector groups. I just have this strange notion that, if it is to be a monopoly, it is better to be a public monopoly where, under normal processes, there is scrutiny and accountability.

I do not want the negative comments about the operation of this government in any way to detract from the positive outcomes that can confidently be expected from this project. There have been water problems in the Barossa Valley for many years, and it is really commendable that local large and small producers have got together to form a company to deal with their issues. I will be interested to see what happens about dealing with the waste from the wine industry, because that is certainly becoming a problem in a number of areas. I hope that similar groups of people—public and private companies—are wanting to work together to resolve some of the issues of waste that arises from some of our industries. The wine industry, in particular, has a challenge in relation to the effective disposal of waste. An even greater challenge would be to effectively use the waste from the wine industry. At the moment, we are not dealing with that very well. I look forward to that challenge being taken up.

I would like to commend the people who have had the vision to make this project work. There was evidence of real goodwill between SA Water and Barossa Infrastructure Limited. It seems that they have also been careful in developing arrangements which lead to clear outcomes for both, a clear delineation of responsibility and clear risk analysis. I wish the company and SA Water well and look forward to the quarterly reports that show that everything is working. I also look forward to a clarification of the role of public scrutiny and accountability in relation to these private sector/public sector joint projects.

Mr VENNING (Schubert): I commend the Public Works Committee and, in particular, the member for Hammond and the member for Reynell in supporting this very important venture, which involves the Barossa Infrastructure Limited deal with SA Water. This project involves a $6.7 million contribution by the government in relation to the water carriage capacity but, more importantly, it is also a $34 million project which is made up of growers' money over five years. The member for Hammond explained the infrastructure, which is very extensive—and I will not repeat that. There are 260 shareholders involved in this project, and they have shown great confidence in the Australian wine industry over the next five years by this very heavy investment. I only hope that the industry can continue its current success so that these people can recoup their outlays in relation to this major project.

The Warren Reservoir, which is a very integral part of this project, was already in place, but it is not currently used for potable water because of the stain in the water. That is not quite correct, because I understand that it is blended a little

in the water system but, mainly, it is not used because of the stain. This is, basically, the reservoir to be fed and from which water will be taken for the system. It is a most unique system, and we will have in the Barossa filtered water per kind favour of this government—I spoke in this House yesterday about that—and unfiltered water which will come through the BIL scheme from the Warren Reservoir. I also believe that the Warren Reservoir should be used and encouraged to be used as a recreational lake, because it is a lovely expanse of water with beautiful surrounds. I believe that the use of boats, particularly power boats, in this area will probably maintain the water in better condition for the use of the irrigators by keeping it stirred up and keeping the algae, etc., under control.

This initiative—along with the off-peak water initiative, which is an initiative of this government allowing growers to take water from the current potable water system off season before November in each year, when there is capacity in the pipeline, onto the farm and store—has given growers tremendous flexibility in maintaining their valuable water supplies and has also given them flexibility in the management of their property. Water is a critical element in an area which is growing the world's premium grapes and where water is at an absolute premium. I believe that this scheme has ensured the Barossa's future and, in turn, will keep South Australia as the Australian and, indeed, the world's top wine producer.

I note the member for Reynell's comments in relation to dealing with waste water from the wineries. This is certainly on the agenda, and in the next few years we will see tremendous strides taken in relation to that resource. It is a valuable resource although currently a waste. I see no reason at all why this water should not be recycled and used again as it is in many of the newer style wineries. I applaud all those who are making big efforts in that area.

Of the total 190km—187km was the original length—126km of the pipeline is now in the ground. The contractor and BIL, as I said in this House yesterday, have encountered difficulties, particularly with this weather: we have had the wettest winter in decades and it is very difficult up there at the moment. We have also incurred extra costs in the undergrounding of the power along Gomersal Road, which is a cost that was not originally intended. So, with the weather, it has been very difficult, because one can understand how difficult it is to lay large pipes in the ground and then having to compact the dirt (in this case mud) on top: indeed, it is impossible. Cars come along the road and then get stuck in this mud and there are all sorts of problems, telephone calls and frustrations. I get the telephone calls, meetings are held and it certainly has not been an easy road for BIL and its contractors. Hopefully, with the weather warming up now, we will be able to get through.

I appreciate the efforts of the Premier's Department in providing the independent chairman between all these groups, and that is Rob Jenkins, who has done an excellent job, ably assisted by Mr Peter Angove. They have done a magnificent job in trying to keep the situation under control. Councils are obviously very upset because of ratepayers' concerns about their roads being all muddy and being unable to get into their homes. On the other hand, the council is worried about who will reinstate these roads when the job has been completed. All in all, it has not been an easy task, but I compliment the Chairman, Mr David Klinberg and, particularly, the CEO Mr Mark Whitmore. There has been a lot of stress on these gentlemen and they are coping very well. I also want to compliment both councils for their forbearance and their patience. I believe that, come January, we will have this project completed and have the dual water system for the people who live in the Barossa. Consequently, the Barossa will go on and continue to be Australia's and, indeed, the world's premium wine growing district.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: ECOTOURISM

Mr VENNING (Schubert): I move:

That the 44th report of the committee, being the final report on ecotourism, be noted.

An interim report on ecotourism tabled on 26 July included findings and recommendations. This final report incorporates all the relevant supporting evidence and a further refinement to the findings and recommendations.

In November 1999 the House of Assembly passed a resolution requesting the Environment, Resources and Development Committee to investigate and report on ecotourism in South Australia, having regard to:

1. The appropriate scale, form and location of ecotourism developments.

2. The environment and impact of such development.

3. The benefits to regional communities and state of such tourism.

4. The strategies for promoting ecotourism and any other relevant matter.

This inquiry arose as a result of concerns regarding the impact of tourism on ecologically sensitive land, the methods being used to deal with managing the issue and the limited recognition of South Australian ecotourism in the 2000 Australian National Tourism Awards.

This inquiry has been very timely, since 2002 is both the International Year of Ecotourism and the Year of the Outback. Submissions were received from groups such as government agencies, local government, industry representatives and operators, academics and individuals. In addition, the committee spoke with more than 50 regional participants and heard numerous witnesses from banks, Planning South Australia, SA National Parks and Wildlife, the SA Tourism Commission and the universities.

Familiarisation trips were undertaken to Deep Creek Conservation Park, Kangaroo Island, Naracoorte Caves and northern and western South Australia. These trips took in a number of towns and regional ecotourism destinations, including the Head of the Bight, the Gammon and Gawler Ranges, Arkaroola, Ceduna, Elliston, Parachilna, Streaky Bay, Whyalla, Wilpena and Wudinna. This approach of meeting with these various stakeholders at their place of operation facilitated more open communication and gave the committee a better understanding of the environmental, commercial and administrative issues that were important to them.

The national ecotourism strategy defines 'ecotourism' as nature based tourism that involves education, in the first instance, and interpretation—that is, the explanation of what people are looking at and experiencing—of the natural environment and the way it is managed to be ecologically sustainable. This inquiry has confirmed the significance of tourism to South Australia. In 1997-98 tourism consumption totalled 4.5 per cent of Australia's total gross domestic product (GDP) and 6 per cent of its employment. An independent economic analysis indicates that tourism in 1999

was driving almost 10 per cent of South Australia's economic growth through the export it generates. I note that the minister is in the chamber and she would be well comforted by those figures—10 per cent is a large amount. However, South Australia's share is only 6 per cent of the national tourism market.

Indeed, South Australia ranked last in terms of being associated with nature-based experiences. The World Tourism Organisation claims that 20 per cent of international tourists (that is 600 million tourists) who travelled to countries outside their boundaries in 1997 travelled for ecotourism purposes. Ecotourism is the fastest growing sector of world tourism. It is a form of nature-based tourism where the emphasis is on a quality and not quantity experience of a country's natural assets. Today environmental issues have entered the mainstream of global lifestyle.

This has resulted in substantial shifts in consumer priorities and demands to products that are environmentally sustainable. An increase in demand for ecotourism products is representative of those shifts and ecotourism is widely considered, both in Australia and overseas, as an area of the tourism industry with significant growth potential. To many ecotourism is seen as both an important niche market and a catalyst for encouraging the tourism industry to be ecologically sustainable. Ecotourism should be an impetus for conserving natural areas. This should be done through the provision of resources (both financial and physical) for environmental conservation, management, repairing degraded ecosystems and improving biological diversity.

Ecotourism can give a high economic yield with a minimal environmental impact, and it appears that South Australia has been missing opportunities though lesser opportunities in this area when compared with other states. There are outstanding opportunities to develop South Australia's natural assets in a way that promotes economic and community development whilst protecting and enhancing natural assets for current and future generations. It is essential that ecotourism be seen as a long-term activity. If not properly managed, it can result in damage to or even loss of the resources on which it depends.

These opportunities need to be appropriately developed and marketed both locally and internationally to tap into a wide range of high yield/low impact niche markets. The findings of this inquiry were extensive and covered many facets of industry development, from market research and marketing to infrastructure, operator training and development, funding and community development. Three particularly significant features of this report are: first, an emphasis on developing cultural tourism in conjunction with ecotourism, including indigenous and settlement history; secondly, the need for further resources for improved management of national parks; and, thirdly, regional infrastructure.

Cultural tourism, with respect to both European and Aboriginal heritage, can be used to complement ecotourism. International visitors in particular are very interested in seeing and learning about Aboriginal arts and culture at their source, and Aboriginal participation provides many social and economic benefits. A valuable opportunity exists to retain unique Aboriginal heritage traditions and to educate tourists whilst ensuring that their communities benefit from direct involvement. Specialised training programs need to be developed to promote further involvement of Aboriginal people in our national park system and to prepare them for involvement in tourism and park management activities.

Whilst the primary role of the National Parks and Wildlife Service is conservation, the network of them has great potential for ecotourism development in South Australia. The National Parks and Wildlife Service has done much to facilitate tourism so far as it is consistent with its conservation role through providing high quality infrastructure and facilities for visitors. Waste left by visitors in natural areas is currently a major issue. There is a need to develop appropriate waste management strategies that may range from provision of toilets and garbage disposal to a requirement for bushwalkers and campers to remove their own waste.

Further funding is needed to expedite national park management plans as a mechanism for facilitating appropriate ecotourism and protecting fragile environments. Given the already stretched resources, any growth of ecotourism will require an increase in National Parks and Wildlife Service resources. Planning is currently under way for a further 35 national park management plans to be drafted. It is important that these plans are not delayed but put into practice in the very near future. Use of marine parks to achieve protection and display of significant marine features, such as sea lions, fur seals and dolphins should also be further considered.

Whyalla's cuttlefish aggregation is a high profile example of an area with significant international interest where a species population has almost declined to unsustainable levels. Consideration should be given to providing long-term protection to cuttlefish to ensure that a sustainable population is once again reached. Thirdly, there is a need for a range of infrastructure investments in many of our regions that offer great potential for ecotourism. There is a need for funding, planning and implementing infrastructure, such as signage, tracks, maintenance and waste disposal and to satisfy the demands for good interpretive materials and facilities.

The cost of infrastructure, such as power and water, in remote regions is a hindrance to growth. There is the need to upgrade regional airport facilities and to provide affordable and regular air services to these areas. Some other key findings in the report include limited specific data analysis of the ecotourism market profile; the need for further product development; the need to address off-peak domestic seasons by development of international markets; the need for well-trained operators and guides for effective interpretation and ethical delivery of ecotourism products; the strategic advantage in gaining National Ecotourism Accreditation and the need to increase the number of accredited operators; the need for stronger ties between government and the education sector to coordinate research analysis and product development; the need to pursue world heritage listing for key sites; the importance of high yield/low impact niche 'thematic-based tourism'; and the lack of investment capital available for the development of small, high quality ecotourism products.

The committee has made 12 recommendations to address these findings. For the most part, the recommendations are addressed to the Minister for Environment and Heritage and the Minister for Tourism. However, there is an overarching theme of cooperation that needs to be strengthened beyond that which already exists. Cooperation at all levels will maximise opportunities for remote regions in particular but also for the state as a whole. Communities need to develop attractive opportunities for visitors through strategic cooperation to maximise appropriate tourism infrastructure, local economic return and employment opportunities.

A concerted effort in the immediate few years will be an important step in addressing the development of this significant growth sector for the benefit of the community, the

environment and the economy of South Australia. In closing, I would like to thank those who made submissions and who gave evidence. I thank those who received and looked after us on our many trips throughout the state. I thank the Minister for Tourism, the Minister for Transport and Urban Planning, the Minister for Environment and Heritage and the numerous staff from the National Parks and Wildlife Service.

Indeed, I compliment, again, the staff of the ERD committee, Mr Knut Cudarans and Mr Philip Frensham, who came on board in the middle of this inquiry. He took up the reins and he has helped us deal with a very difficult report that took much longer than we expected. What started as a small report—which we thought we would do in a few weeks—has taken almost 12 months. I think that members can see from the committee's recommendations that it is a very important and critical issue for South Australia. We have some wonderful ecotourism assets in South Australia and we have some excellent tour operators and facilities.

As always, we can do it better and we should do it better, and I am confident that we can and will do it better. Lastly, I want to compliment the members of the committee. I have been the chairman of this committee for the past six years and we are yet to release a minority report. I believe that if anyone wants to see the committee system working in the parliament they should examine the ERD Committee. As many members would know, the member for Stuart and I recently returned from overseas. We did investigate the committees operating overseas and I can say that it reinforced my view that the committee system in this House ought to be expanded, almost to the degree that it operate fully in the upper house.

In committees of the new parliaments of Wales and Scotland, the ministers are members of those committees but they never chair them. I believe that the committee system works and works well. If you want to see evidence of that, just check out the ER&D Committee. I am pleased with the work of my committee. We put all our political differences aside. In this case, as in many others, we have come up with some fairly tangible and useful results. I commend the report to the House and look forward to the minister's response to this report.

Motion carried.

PUBLIC WORKS COMMITTEE: ADELAIDE FESTIVAL CENTRE REDEVELOPMENT

Mr LEWIS (Hammond): I move:

That the 156th report of the committee, on the Adelaide Festival Centre Redevelopment Stage 2, Phase 2—Status Report, be noted.

In January this year, the Public Works Committee reported to parliament on this proposal, and that is to be found in parliamentary paper 207. As part of the hearing that we conducted into this project in December last year, I draw the House's attention to the fact that the committee agreed to hear evidence regarding the proposed plaza demolition at a later date.

In June this year, the proposing agency told the committee that the assessment of the proposed demolition was complete. So, in July, the committee conducted a site inspection of the proposed work and took evidence regarding the demolition proposal. After completing the site inspection and conducting the subsequent hearing, the committee accepts that by carrying out the demolition as part of the Adelaide Festival Centre project $300 000 in savings would be achieved when compared with undertaking part demolition now and the balance of the demolition as part of the future arts plaza project.

The committee also accepts that there is a public benefit with regard to managing the inconvenience of reduced access and amenity during one plaza demolition period rather than two. However, I must say that I view the insularity of the agencies under the minister's control, namely, the arts and transport portfolios, as being regrettable, to say the least.

I am referring to the fact that, whilst we are ripping the guts out of the Festival Centre plaza to enable simpler, easier and safer access to vehicles from King William Road passing through that precinct, and also to enable simpler and easier movement of pedestrian traffic through the precinct, and to open it up and put it into a brighter daylight type of corridor, we are nonetheless, as a state, and the government in control of the decision, forgetting about the stupidity of the present access from southbound traffic up King William Road into the Festival Centre plaza complex and Festival Drive. Let me explain that.

Presently, if a function is held in the Festival Centre in the evening, and people are coming from the northern suburbs along King William Road, they stop at the point at which they have to turn right across the face of oncoming, out-bound traffic from the city, such that when there is an opening in that traffic they can turn into Festival Drive. Such openings are rare, because people in the outbound lanes are in the main also wanting to turn left into Festival Drive to go to the same function and many of them fail to give a left-turn signal, so the person waiting in the right- hand turn lane of the south-bound inbound traffic coming up King William Road from the northern suburbs never knows when it is safe to attempt to cross those three lanes of outbound traffic from the city. Another feature I draw the attention of the House to is that, once the turn has been executed from King William Road by traffic from either direction into Festival Drive, there is an immediate steep fall in the road pavement of Festival Drive extending under the plaza.

The sensible solution to this problem is surely to take the left-hand turn lane in the same way as it is at present and bring it in beside a lane that is coming underneath King William Road from the southbound traffic coming up the hill, where that lane of traffic is sunk under the pavement of King William Road in the same way as occurs where the O-Bahn bus goes under the southbound traffic on Park Terrace at Gilberton into the O-Bahn busway without causing any disruption to the flow of traffic along Park Terrace in the southbound lanes. It simply goes down a drive and an underpass under the oncoming traffic and into the busway. There is no reason at all why we cannot have the uphill southbound traffic on King William Road turning into Festival Drive doing exactly the same thing. It may in future be found desirable to do precisely that. Indeed, I am sure it will, because I have seen several prangs there.

I have also seen how the access to Festival Drive gets congested when pedestrians wishing to cross King William Road press the button on the pedestrian lights and it stops the traffic. Outbound motorists forget the fact that they are indeed blocking access in a T-junction and their vehicles simply block up all lanes whilst awaiting the pedestrians to cross and the lights to turn green to enable them to continue on their way. We find that there is a queue stretching back to King William Road bridge over the Torrens and, further, of cars waiting to get into the Festival Centre.

Some of the smarter ones these days have worked out that it is better to come southbound up the centre lanes, move across into the right-hand turn lane after passing the exit into Festival Drive, do a right-hand turn into North Terrace and then do a U-turn in North Terrace in front of Parliament House and proceed back to the intersection of North Terrace and King William Road, turn left into King William Road and get into the left-hand turn lane to turn into Festival Drive. That is safer and quicker than trying to execute a right-hand turn from King William Road into Festival Drive. That situation is an absolute disgrace when the minister herself cannot direct both of those departments to talk to each other and sort out the problem in that immediate vicinity.

The other benefit of doing what I am suggesting is that we would immediately find it possible to sink the pedestrian traffic into the same underpass as the vehicular traffic and not need to have the pedestrian crossing lights on King William Road. It would do away with a further impediment to the orderly free flow of traffic and do away with the consequent property damage that arises when there are rear end collisions on King William Road with cars stopping quickly at the pedestrian lights when some foolish pedestrian seeks to cross there or near there before the pedestrian green lights are showing or, alternatively, while trying to cross not at the lights proper but elsewhere, doing some jaywalking in the process. So, I am distressed by that feature and by the government's failure to come to grips with it, causing further expense and delay in fixing the problem they will now have to fix anyway.

I return to the report and say that we noted evidence that plans for separating cars and pedestrians at the entrance of the car park are the most cost effective and functional option available. This is moving the focus of attention in on Festival Drive at the entrance to the Festival Centre car park. The vehicle traffic will be greatly reduced as a result of the new car park entrance. The committee notes evidence that there will be a cantilevered overhang of 3.9 to 4.5 metres from the car park and the centre itself and that there will be a grade from King William Road down Festival Drive to provide disabled access.

Debate adjourned.

STATUTES AMENDMENT (GOVERNOR'S REMUNERATION) BILL

The Hon. J.W. OLSEN (Premier) obtained leave and introduced a bill for an act to amend the Constitution Act 1934 and the Governor's Pensions Act 1976 to make provision for the salary and pension of future Governors. Read a first time.

The Hon. J.W. OLSEN: 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 DEPUTY SPEAKER: Leave is sought—is leave granted?

Mr Lewis: No.

The Hon. J.W. OLSEN: The Bill seeks to amend the provisions in the Constitution Act 1934 dealing with the Governor's salary and expenses, and to amend the Governor's Pensions Act 1976 in order to accommodate the removal of the vice-regal exemption from income tax from the Income Tax Assessment Act 1997 (Commonwealth).

In June 2001 the Prime Minister announced a proposal to remove the income tax exemption for vice-regal representatives in section 51.15 of the Income Tax Assessment Act 1997 (Commonwealth) in preparation for the appointment of the next Governor-General. The changes took effect on 29 June 2001.

The income tax exemption had existed since 1922. In support of his proposal, the Prime Minister said that the income tax exemption belonged to an era when vice-regal representatives came from the United Kingdom and were treated as if they were non-diplomatic representatives of foreign governments. He noted that the Queen has paid income and capital gains taxes since 1993. He proposed that the amendment to the Income Tax Assessment Act 1997 take effect from the date of appointment of the new Governor-General, who was sworn in on 29 June 2001. For the states, the amendments are to take effect before the appointment of the successor to each incumbent Governor, and the Prime Minister has requested that all states amend their legislation to this effect.

The current legislation fixing South Australian vice-regal remuneration assumes an income tax exemption. Hence, without adjustment to that remuneration, changes to the Income Tax Assessment Act will result in new Governors receiving considerably smaller salaries and funding for expenses. There will be other flow-on effects. Certain expenditure incurred by future Governors in deriving that assessable income will be deductible for tax purposes. Future Governors' official salaries will be subjected to PAYG withholding tax, and payment statements will be required to be issued. The payer of future Governors' official salaries, as the Governors' 'employer', will be liable for any FBT payment in respect of fringe benefits provided to future Governors and their associates. Any reportable fringe benefit amount will need to be disclosed on future Governors' payment summaries.

The Governor's salary is fixed by section 73 of the Constitution Act 1934. In order to ensure that the Governor's effective post tax salary package (currently $92 777) is not diminished by the imposition of income tax, section 73 needs to be amended so that the Governor's gross salary is increased to, at least, $155 644. This estimate is based on current personal income tax rates, including the Medicare levy, but does not take into account private assessable income or deductible losses. This estimate is based on current personal income tax rates, including the Medicare Levy, but does not take into account private assessable income or deductible losses.

Section 73 fixes the vice-regal salary at the final amount paid to the Governor's predecessor in office, increased in proportion to increases in the salary of a puisne judge of the Supreme Court occurring during the Governor's term of office.

The new taxation arrangements will complicate the calculation of an annual gross tax inclusive salary for the South Australian Governor, particularly if that salary continues to be calculated from a starting base of the salary of the previous Governor plus annual increments proportionate with those of a puisne judge.

In order to simplify the calculation, this Bill abolishes the present salary base and makes the vice-regal salary equivalent to 75 per cent of the salary of a puisne judge of the Supreme Court which, at present, would be a salary of $155 625 per annum. This level of salary is almost exactly equivalent, pre-tax, to the present Governor's tax exempt salary.

The expenses associated with the office of Governor are dealt with by section 73A of the Constitution Act 1934.

Those expenses are used to host and entertain dignitaries and guests and to pay for capital and revenue items. The Governor's expenses are paid out of an annual allowance paid to the Governor out of general revenue. The allowance is calculated from a base fixed in 1974, adjusted by reference to the consumer price index. The current allowance for expenses is $123 000 per annum.

As a component of the Governor's income, the expense allowance will be taxable under the changes to the Income Tax Assessment Act. It is not possible to determine in advance which expenses paid for out of the allowance will be deductible for income tax purposes. It is difficult to estimate the amount of gross up that would be required to maintain the spending power of the allowance in the post-tax environment. In addition, the Governor's personal financial position would also impact on the amount of gross up required.

To overcome the difficulties in maintaining the spending power of the allowance without imposing adverse financial consequences on the Governor, this Bill replaces the allowance with a provision that the expenses of the office of Governor be paid directly by appropriation. This will eliminate the need to gross up the allowance to compensate for income tax and expenditure patterns; eliminate the administrative complexities in determining the appropriate amount of gross up required; alleviate the additional administrative burden that would have been placed on the Governor in relation to his/her personal income tax return; and allow the Governor's establishment to claim the input tax credits through its normal accounting function.

The final component of vice-regal remuneration is the Governor's pension, authorised under the Governors' Pensions Act 1976, which provides for an annual life pension paid out of Consolidated Account. There has never been a tax exemption for the Governor's pension. However, because the pension is calculated by reference to the last drawn salary of the Governor, adjusted for inflation, and that salary has in the past been income-tax exempt, any increase in that salary (as proposed in this bill) will affect the pension entitlements of future Governors. The tax changes will also affect future Governors' personal superannuation surcharge liability, because they raise the adjusted taxable income over the surcharge threshold.

However, it should be noted that Governors' Pensions Act describes the pension as a maximum percentage of salary, under which threshold the Treasurer has a discretion as to the amount actually paid, and the Bill does not seek to change this. The Government proposes these changes to the Governor's Pensions Act as an interim measure, adjusting the way the Governor's pension is calculated to reflect the impact of the tax change on the Governor's salary, but pending a comprehensive review of the Act to update it to reflect changes to superannuation laws and entitlements since its enactment 25 years ago.

Hence, the Bill seeks to amend the Governor's Pensions Act so that the salary base on which future Governors' pensions will be calculated is a percentage of salary that reflects the difference between the tax-exempt salary paid to the current Governor and the new grossed up pre-tax salary to be paid to future Governors under the proposed amendments to section 73 of the Constitution Act.

Accordingly, subject to the Treasurer's discretion, the amount of pension payable to a former Governor will not exceed 30 per cent of last drawn salary; the amount payable to the spouse of a deceased former Governor, no more than 45 per cent of the pension of that deceased former Governor payable immediately before his or her death; and the amount payable to the spouse of a deceased Governor, no more than 22.5 per cent of the last drawn salary of that deceased Governor.

The Bill also amends the Governors' Pensions Act to provide for the Treasurer to have a discretion to pay the Governor an amount equivalent to what is required to satisfy his or her superannuation surcharge debt upon taking up the pension.

Members may wish to note that the proposed changes to the way the salary is paid to future Governors under sections 73 and 73B of the Constitution Act will not affect the current pension amount payable to presently surviving former Governors and the retiring present incumbent.

It is expected that the Government's annual taxation liability in respect of vice-regal remuneration will be approximately $100 000. This will comprise, on year 2001 figures, an additional amount of $62 867 to boost the Governor's salary to accommodate income tax, an indeterminate amount for fringe benefits tax on vice-regal expenses, an increase in the Government's annual superannuation guarantee contribution in respect in respect of the Governor of approximately $1 056, and an amount of approximately $3 000 per year of service to fund the Governor's superannuation surcharge liability.

In summary, this Bill adjusts the way vice-regal salaries, expenses and pensions are paid so that future South Australian Governors are not adversely affected by the removal of the tax exemption that the present and previous Governors have enjoyed. It is proposed that the Act be proclaimed to come into effect on 3 November 2001, the day the next Governor will be sworn to office.

I commend the bill to the House and note that this is yet another piece of cost shifting between the commonwealth and the states. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

PART 1: PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

A reference in this measure to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2: AMENDMENT OF CONSTITUTION ACT 1934

Clause 4: Amendment of s. 73—Salary of the Governor

Subsections (1), (1a) and (1b) of section 73 of the principal Act provide for a manner of determining the salary of Governors. The effect of subsection (1)*(a)* and (1a) has expired and a new method of computing the salary of a Governor is proposed. This clause provides for the striking out of section 73(1) to (1b) (inclusive) and the substitution of a new subsection (1) which will provide that the salary of the Governor is to be at the rate of 75 per cent of the salary payable to a puisne Judge of the Supreme Court.

As a consequence of these proposed amendments, the definition of 'consumer price index' is to be struck out from subsection (5) as it will no longer be used in the section.

Clause 5: Substitution of ss. 73A and 73B

It is proposed to repeal sections 73A and 73B of the principal Act and substitute the following sections.

73A. Costs associated with Governor's official duties

New section 73A provides for the Treasurer to pay the costs reasonably incurred by the Governor (or anyone acting in the office of the Governor) in carrying out, or for the purpose of carrying out, official duties.

73B. Appropriation

New section 73B provides that the principal Act is (without further appropriation) sufficient authority for the payment of the

Governor's salary and the other costs that are to be borne by the Treasurer out of the Consolidated Account.

PART 3: AMENDMENT OF GOVERNORS' PENSIONS ACT 1976

Clause 6: Amendment of s. 3—Order for payment of pensions

It is proposed to amend section 3 of the principal Act by inserting after its present contents (now to be designated as subsection (1)) a new subsection (2) which will provide that the Treasurer may also pay to a former Governor or the estate of a deceased Governor an amount sufficient to defray any liability to tax (including interest on tax) under the law of the Commonwealth arising because of superannuation entitlements under the principal Act.

Clause 7: Amendment of s. 4—Amount of pension

Section 4(1) of the principal Act provides for an upper limit on the amount of a Governor's pension. Current subsection (1) provides as follows:

'Except as is provided in subsection (2) of this section, the amount of pension shall not—

(a) in the case of a former Governor, exceed fifty per centum of the salary of that former Governor; or

(b) in the case of the spouse of a deceased former Governor, exceed seventy-five per centum of the pension of that deceased former Governor payable immediately before the death of that former Governor; or

(c) in the case of the spouse of a deceased Governor, exceed thirty-seven and one-half per centum of the salary of that deceased Governor.'

It is proposed to amend this subsection by substituting the percentage amounts currently listed by other percentage amounts. Thus, 'fifty per centum' is to struck out from subsection (1)*(a)* and substituted by '30 per cent', 'seventy five per centum' is to be struck out from subsection (1)*(b)* and substituted by '45 per cent', and 'thirty-seven and one-half per centum' is to be struck out from subsection (1)*(c)* and substituted by '22.5 per cent'.

Clause 8: Substitution of s. 6

It is proposed to repeal section 6 of the principal Act and substitute the following section.

6. Appropriation

New section 6 provides that any payment to be made under the principal Act is to be made from the Consolidated Account (which is appropriated to the necessary extent).

The Hon. M.D. RANN secured the adjournment of the debate.

GENE TECHNOLOGY BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a bill for an act to regulate activities involving gene technology; to make related amendments to the Agricultural and Veterinary Chemicals (South Australia) Act 1994; and for other purposes. Read a first time.

The Hon. DEAN BROWN: 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.

Leave granted.

The Gene Technology Bill 2001 is the South Australian component of the national co-operative regulatory scheme for genetically modified organisms ('GMOs'). The Bill is necessary to ensure that coverage of the national scheme in this State is complete. All Australian Governments have worked together to establish the national scheme with the aim of protecting the safety of the Australian community and the Australian environment, by assessing and managing risks posed by or as a result of GMOs.

The national scheme includes the *Gene Technology Act 2000* of the Commonwealth which commenced on 21 June 2001 ('the Commonwealth Act') together with the Commonwealth Gene Technology Regulations; nationally consistent complementary State and Territory legislation, such as this Bill; a Gene Technology Intergovernmental Agreement; and, a Ministerial Council.

Tasmania has already passed its Gene Technology Bill. The Western Australian, Victorian and Queensland Governments have introduced Gene Technology Bills into their Parliaments.

The application of gene technology in the areas of medicine, agriculture, food production and environmental management is providing, or has the potential to provide benefits to South Australians. However, future benefits can only be realised if the community is confident that any associated risks are rigorously assessed and managed through regulation that is transparent and accountable.

The national regulatory scheme adopts a cautious approach to the regulation of GMOs which is transparent, accountable and based on best practice risk assessment and risk management.

Each 'dealing' with a GMO is assessed on a case by case basis to ensure that any risks are identified and that the level of regulation is commensurate with that risk. This approach will protect our community and environment without stultifying our research and development sector or unnecessarily limiting the possibility of South Australians gaining benefits from the application of gene technology.

Gene Technology Regulator

The Commonwealth Act established the Gene Technology Regulator ('the Regulator'). The Bill confers functions and powers on the Regulator in the same terms as the Commonwealth Act.

The Regulator is a statutory office holder with a high level of autonomy in administering the legislation. The Regulator has the ability to report directly to the Commonwealth Parliament. The office of the Gene Technology Regulator is located in the Commonwealth Department of Health and Aged Care.

Under this Bill and the Commonwealth Act, the Regulator is responsible for regulating 'dealings' with GMOs in South Australia through a national licensing system. 'Deal with' is defined widely in the Bill. For example it includes developing a GMO and conducting experiments with, breeding, growing, propagating and importing a GMO. Consequently it covers contained research, field trials and commercial release. The intentional release of a GMO into the environment in South Australia, such as a field trial with a GM crop or the commercial growth of a GM crop, is prohibited unless licensed by the Regulator.

In deciding whether to approve a licence authorising the release of a GMO into the environment in South Australia, such as growing a GM plant in a field trial or a general release, the Regulator considers the potential impact of the GMO on the environment and public health. The Regulator requires comprehensive information from an applicant on the impacts of the GMO on animals, plants, water, soils and biodiversity. The Regulator independently assesses the information provided, and also seeks additional information from a variety of sources.

The Regulator must be satisfied that any risks identified to the environment or public health can be managed before an application seeking authorisation of the release of a GMO into the environment can be approved. If the Regulator considers that these risks cannot be managed, the application for a licence to release that particular GMO into the environment will be rejected.

The decisions made by the Regulator are based on rigorous scientific assessment of risks to human and environmental safety and must also be consistent with policy principles issued by a Ministerial Council concerning social, cultural, ethical and other non-scientific matters.

All applications for licences which involve the release of GMOs into the environment are available to anyone who wishes to see them. Such applications are automatically provided to the States because the Regulator must seek the advice of States regarding matters relevant to the development of the risk assessment and risk management plan. The Regulator develops the risk assessment and risk management plan taking into account advice provided by States and Territory Governments; the gene technology technical advisory committee; Commonwealth agencies; local councils and the public.

In addition, the advice of the States must be sought regarding the Regulator's draft decision regarding whether or not to issue a licence authorising the release of a GMO into the environment and regarding any conditions to be applied to the licence. The Regulator also seeks the advice of the gene technology technical advisory committee; Commonwealth agencies; local councils and the public.

Ministerial Council

There is a Gene Technology Ministerial Council, on which each Australian jurisdiction will be represented, with the role of setting the policy framework within which the Regulator functions. SA is a member of the Council.

The Bill confers functions on the Ministerial Council in the same terms as the Commonwealth Act enabling it to issue policy principles on social, cultural, ethical and other non-scientific matters. The Regulator cannot act inconsistently with such policy principles. The

Council can also issue policy guidelines on matters relevant to the functions of the Regulator and codes of practice which may be applied by the Regulator as a condition of licence.

Advisory committees

The Bill confers functions on three advisory committees in the same terms as the Commonwealth Act. The gene technology technical advisory committee, the gene technology community consultative committee and the gene technology ethics committee will provide advice to the Regulator and Ministerial Council.

Monitoring, enforcement and penalties

Under the Bill the Regulator has the power to appoint inspectors with extensive powers to undertake routine monitoring and spot checks in South Australia. The Bill provides for significant financial penalties and terms of imprisonment, of up to 5 years, for unlawful dealings with GMOs in this State.

Preserving the identity of non-GM crops in South Australia

The Bill and the Commonwealth Act enable the Gene Technology Ministerial Council to issue a policy principle requiring the Regulator to 'recognise areas designated under State law to separate GM and non-GM crops for marketing purposes'. This would enable, but not require States and Territories to enact legislation to designate such areas. These areas would only be recognised by the Regulator if declared for the purpose of preserving the identity of GM or non-GM crops for marketing purposes. As indicated previously, human and environmental safety are matters considered by the Regulator with advice from the gene technology technical advisory committee; State and Territory Governments; Commonwealth agencies; local councils; and, the public.

It is my objective, as the South Australian representative Minister on the Gene Technology Ministerial Council, to have that Council establish the policy principle which recognises 'GM crop restricted areas'. Once this policy principle is established then South Australian legislation can be introduced to effectively declare specific areas 'GM crop restricted areas'.

Currently only two GM crops are permitted to be grown commercially in this State. These are a violet-coloured carnation and a long vase-life carnation. A number of field trials with GM crops are being undertaken in South Australia with crops closest to readiness for commercialisation being canola and field pea. However, it is expected that these would not be commercially grown in this State prior to 2003 and then only if a licence from the Regulator allowed it.

Consequently, we have some time to deal with the issue of preserving the identity of non-GM crops in this State and this time is valuable because the issue requires the thorough consideration of a wide range of factors and implications. To facilitate community discussion of these factors and implications, the Government has released a discussion paper for public consultation titled *Preserving the identity of non-GM crops in South Australia*. The discussion paper highlights the highly complex nature of the issue.

The object of the Bill, like that of the Commonwealth Act with which it corresponds and is complementary, is to protect the safety of the community and the environment. The purpose of declaring 'GM crop restricted areas' may only relate to the marketing of crops which is clearly outside the intent of the Bill. Consequently, this Bill does not contain provisions for declaring 'GM crop restricted areas' in South Australia as it is not the appropriate place for such provisions.

If the State, after taking account of the results of the consultation process, should decide to legislate for 'GM crop restricted areas', it should be done once the Gene Technology Ministerial Council has established the policy principle and by an Act that is separate from the South Australian Gene Technology Act. Therefore, this Bill should proceed without such provisions.

In summary, the national regulatory scheme for GMOs adopts a cautious approach to the regulation of GMOs. It is transparent, accountable and based on best practice risk assessment and risk management. The Bill will form the corresponding South Australian law in the national scheme to ensure that the ability of the scheme to protect our South Australian community and South Australian environment is complete.

Explanation of clauses

The provisions of the Bill are as follows:

PART 1—PRELIMINARY

Clause 1

This clause is formal.

Clause 2

This clause will be brought into operation by proclamation.

Clause 3

Clause 3 provides that the object of this Bill is to protect the health and safety of people and the environment, by identifying risks posed by, or as a result of, gene technology, and by managing those risks through regulating certain dealings with genetically modified organisms (GMOs).

Clause 4

Clause 4 provides that the object of the Bill is to be achieved through a regulatory framework that will provide that where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation and provides an efficient and effective system for the application of gene technologies. The object of the Bill is also to be achieved through a framework that operates in conjunction with other Commonwealth and State regulatory schemes relevant to GMOs and GMO products.

Clause 5

Clause 5 provides that it is intended by Parliament that the Bill form a component of a nationally consistent scheme for the regulation, by the Commonwealth, States and Territories, of certain dealings with GMOs.

Clause 6

Subclause (1) provides that the Bill will bind the Crown in right of South Australia and, so far as the legislative power of Parliament permits, in all its other capacities.

Subclause (2) provides that the Bill does not render the Crown liable to be prosecuted for an offence.

Clause 7

Clause 7 comprises a note that states that the Commonwealth Act includes a provision that extends that Act to every external Territory other than Norfolk Island.

Clause 8

Clause 8 comprises a note that states that the Commonwealth Act includes a provision that applies Chapter 2 of the Criminal Code to offences against that Act and construing penalty provisions in that Act.

Clause 8A

Subclauses (1) and (2) provide that in order to maintain consistency in numbering between this Bill and the *Gene Technology Act 2000* of the Commonwealth, if a section of the Commonwealth Act is not required in this Bill, the section number and heading of that section will be included in the Bill even though the body of that section will not be included.

Clause 8A further provides that if this Bill contains a clause that is not included in the Commonwealth Act, that section will be numbered so as to maintain consistency in numbering between sections common to the Bill and Commonwealth Act.

Clause 8(2) provides that a provision number and heading referred to in subclause (1)*(a)* form part of this Bill.

Clause 8B

Clause 8B provides that notes do not form part of the Bill.

Clause 8C

Clause 8C provides that the provisions appearing at the beginning of Parts 2-12, which outline those Parts, are only intended as a guide to readers regarding the general scheme and effect of that Part.

PART 2—INTERPRETATION AND OPERATION OF ACT

Division 1—Simplified outline

Clause 9

Clause 9 provides a simplified outline of this Part.

Division 2—Definitions

Clause 10

Clause 10 provides definitions of words and phrases used in the Bill.

Clause 11

Clause 11 describes the circumstances in which a dealing with a GMO will be considered to involve an intentional release into the environment.

Clause 12

Clause 12 comprises a note that states that the Commonwealth Act includes a provision defining 'corresponding State law' for the purposes of that Act.

Division 3—Operation of Act

Clause 13

Clause 13 comprises a note that states that the Commonwealth Act includes a provision about the application of that Act.

Clause 14

Clause 14 comprises a note that states that the Commonwealth Act includes a provision about the giving of wind-back notices by a State.

Clause 15

Clause 15 provides that the Bill is not intended to cover the field in respect of GMOs. The clause provides that the provisions of the Bill are in addition to, and not in substitution for, the requirements of any other law of South Australia, whether that law was passed or made before or after the commencement of this clause.

Division 4—Provisions to facilitate a nationally consistent scheme

Clause 16

Clause 16 comprises a notice that states that the Commonwealth includes a provision allowing State laws (apart from State laws prescribed for the purposes of the provision) to operate concurrently with that Act.

Clause 17

Clause 17 comprises a note that states that the Commonwealth Act includes a provision allowing corresponding State laws to confer functions, powers and duties on certain Commonwealth officers and bodies.

Clause 18

Subclause (1) provides that if an act or omission is an offence against the Bill and is also an offence against the Commonwealth Act, and the offender has been punished for the offence under the Commonwealth Act, then the offender is not liable to be punished for the offence under the Bill.

Subclause (2) provides that if a person has been ordered to pay a pecuniary penalty under the Commonwealth Act, the person is not liable to a pecuniary penalty under the Bill for the same conduct.

Clause 19

Clause 19 comprises a note about the review of decisions under the Commonwealth Act. A different scheme is provided by Part 12 of this Bill for decisions made under the South Australian law.

Clause 20

Clause 20 provides that licences, certificates and other things issued or done under the Bill remain valid although they may also have been done for the purposes of the Commonwealth Act.

Subdivision B—Policy principles, policy guidelines and codes of practice

Clause 21

Subclause (1) enables the Ministerial Council to issue policy principles in relation to specific issues.

Subclause (2) provides that the Ministerial Council must, before issuing a policy principle, be satisfied that the policy principle was developed in accordance with section 22 of the Commonwealth Act. Section 22 requires policy principles to be developed in consultation with specified bodies and groups and required that consultation must be in accordance with any guidelines issued by the Ministerial Council for the purposes of section 22.

Subclause (3) provides that regulations for the purposes of subclause (1)*(b)* may relate to matters beyond public health and safety and the environment, but they must not derogate from the protection of public health and safety or the environment.

Clause 22

Clause 22 comprises of a note that states that the Commonwealth Act includes a provision about how policy principles are to be developed.

Clause 23

Clause 23 allows the Ministerial Council to issue policy guidelines in relation to matters relevant to the Regulator's functions under this Bill or the regulations.

Clause 24

Clause 24 allows the Ministerial Council to issue codes of practice in relation to gene technology, that have been developed in accordance with the consultation requirements specified in section 24(2) of the Commonwealth Act.

Section 24(2) of the Commonwealth Act provides that the Ministerial Council must not issue a code of practice unless the code was developed by the Regulation in consultation with specific bodies and groups.

PART 3—THE GENE TECHNOLOGY REGULATOR

Clause 25

Clause 25 provides a simplified outline of the Part.

Clause 26

Clause 26 comprises a note that states that section 26 of the Commonwealth Act creates the office of Gene Technology Regulator.

Clause 27

Clause 27 sets out the functions of the Regulator.

Clause 28

Clause 28 provides that the Regulator has power to do all things necessary or convenient to be done in connection with the performance of the Regulator's functions under the Bill or the regulations.

Clause 29

Clause 29 provides that the delegates must comply with any directions of the Regulator.

Clause 30

Clause 30 provides that subject to the Bill and to other laws of South Australia, the Regulator has discretion in the performance of his or her functions or powers and the Regulator may not be directed by anyone in respect of whether or not a particular application for a GMO licence is issued or refused, nor in respect of the conditions to which a particular GMO licence is subject.

PART 4—REGULATION OF DEALINGS WITH GMOs

Division 1—Simplified outline

Clause 31

Clause 31 provides a simplified outline of the Part.

Division 2—Dealings with GMOs must be licensed

Clause 32

Clause 32 provides that dealings with GMOs are prohibited unless authorised by a GMO licence, a dealing is a notifiable low risk dealing, a dealing is an exempt dealing, or the dealing is included on the GMO Register.

Clause 33

Clause 33 describes the same offence as clause 32 but enables strict liability to apply in respect of the offence. Such offences are punishable by smaller pecuniary fines.

Clause 33(4) provides that in this clause 'exempt dealing' has the same meaning as in clause 32.

Clause 34

Clause 34(1) provides that a holder of a GMO licence is guilty of an offence if the holder intentionally acts or omits to take an action, knowing that the act or omission contravenes the licence or being reckless as to whether the act or omission contravenes the licence.

Clause 34(2) provides a similar offence for a person who is covered by GMO licence. However, in this case it will also be necessary for the prosecution to establish that the person had knowledge of the conditions of licence.

Clause 35

Clause 35 describes the same offences as clause 34 but enables strict liability to apply in respect of those offences.

Clause 36

Clause 36 provides that a person is guilty of an offence if the person deals with a GMO knowing that it is a GMO, and the dealing is on the GMO Register and contravenes a condition specified in the GMO Register (described in Part 6, Division 3) relating to the dealing. Strict liability applies in relation to establishing that the dealing is on the GMO Register and that the dealing contravened a condition on the Register.

Clause 37

Clause 37 provides that a person is guilty of an offence if the person deals with a GMO knowing that it is a GMO and the dealing is a notifiable low risk dealing, and the dealing contravenes the regulations. Strict liability applies in relation to establishing that the dealing is a notifiable low risk dealing and that it contravened the regulations.

Clause 38

Clause 38 describes the concept of an aggravated offence, as referred to in clauses 32, 33, 34 and 35. An aggravated offence is one that causes significant damage, or is likely to cause significant damage, to the health and safety of people or to the environment.

Clause 38(2) describes what the prosecution must prove in order to prove an aggravated offence.

PART 5—LICENSING SYSTEM

Division 1—Simplified Outline

Clause 39

Clause 39 provides a simplified outline of the Part.

Division 2—Licence applications

Clause 40

Clause 40 describes the requirements for applying to the Regulator for a licence authorising specified dealings with one or more specified GMOs by a person or persons.

Subclause (3) requires the application to specify whether any of the dealings proposed to be authorised by the licence would involve the intentional release of a GMO into the environment.

Subclause (4) sets out the kinds of dealings in respect of which a person may apply for a licence.

Subclause (5) provides that the applicant may apply for a licence that authorises dealings by a specified person or persons, a class of persons or all persons.

Subclause (6) requires the application to be accompanied by any application fee that may be prescribed.

Clause 41

Clause 41 allows the applicant to withdraw a licence application at any time before the licence is issued. However, the application fee is not refundable.

Clause 42

Clause 42 provides that the Regulator may by written notice require an applicant to give the Regulator further information. The notice may specify the period within which information is to be provided.

Clause 43

Clause 43 provides that the Regulator must consider an application under clause 40, but that the regulator is not required to consider the application in the circumstances listed under subclause (2).

Clause 44

Clause 44 provides that before considering an application in accordance with the requirements of Part 5, the Regulator may consult with the applicant or another regulatory agency with respect to any aspect of the application.

Clause 45

Clause 45 provides that if a person provides confidential commercial information in support of a licence application, the Regulator must not take that information into account in considering an application by another person for a GMO licence, unless the first person has given written consent for the information to be taken into account.

Division 3—Initial consideration of licences for dealing not involving intentional release of a GMO into the environment

Clause 46

Clause 46 provides that Division 3 applies to an application for a GMO licence where the Regulator is satisfied that none of the dealings proposed to be authorised by the licence would involve the intentional release of a GMO into the environment.

Clause 47

Clause 47 provides that before issuing a licence, the Regulator must prepare a risk assessment and risk management plan in relation to the dealings proposed to be authorised by the licence.

Subclause (2) and (3) provide that the matters that the Regulator must take into account in so doing and subclause (4) authorises the Regulator to consult with the States, the Gene Technology Technical Advisory Committee, relevant Commonwealth authorities, local councils and any other appropriate person, on any aspect of the application.

Division 4—Initial consideration of licences for dealings involving intentional release of a GMO into the environment

Clause 48

Clause 48 provides that Division 4 applies where the Regulator is satisfied that at least one of the dealings proposed to be authorised by the licence involves the intentional release of a GMO into the environment.

Clause 49

Clause 49 describes the process that the Regulator must follow, and the matters the Regulator must consider, if the Regulator is satisfied that at least one of the dealings proposed to be authorised by the licence may pose significant risks to the health and safety of people or the environment. This process includes publishing a notice in respect of the application in the *Gazette* and having regard to specific issues in order for the Regulator to be satisfied that the dealings may pose significant risks to public health and safety or the environment.

Clause 50

Clause 50 provides that, before issuing a licence, the Regulator must prepare a risk assessment and risk management plan with respect to the dealings proposed to be authorised by the licence.

Subclause (2) provides that the Regulator must do so irrespective of whether the Regulator was required to publish a notice under clause 49.

Subclause (3) provides that, in preparing a risk assessment and risk management plan, the Regulator must seek advice from specific parties, including the Gene Technology Technical Advisory Committee and the States.

Clause 51

Subclause (1) specifies the matters that must be considered by the Regulator in preparing the risk assessment. Those matters include the risks posed by the proposed dealings, public submissions made to the Regulator, and any advice provided by the Gene Technology Technical Advisory Committee, a Commonwealth authority or agency and the States.

Subclause (2) specifies the matters that must be considered by the Regulator in preparing the risk management plan.

Subclause (3) provides that, in ascertaining the means of managing the risks as mentioned in subclause (2)*(a)*, the Regulator is not limited to considering submissions or advice mentioned in subclauses (2)*(b)* to *(f)* and, subject to clause 45, may consider other information including relevant independent research. Clause 45 regulates the use of confidential commercial information.

Clause 52

Clause 52 describes the process the Regulator must follow after having prepared a draft risk assessment and risk management plan. This process includes publishing a notice in the *Government Gazette* advising that a risk assessment and risk management plan have been prepared and inviting submissions in relation to them. The Regulator is also required to seek advice on the risk assessment and risk management plan from certain entities including the States and the Gene Technology Technical Advisory Committee.

Clause 53

Clause 53 allows the Regulator to take other actions for the purpose of deciding the application, in addition to those required by this Division. These actions may include holding a public hearing.

Subclauses (2) and (3) set out powers of the Regulator in relation to public hearings, including the capacity for the Regulator to give directions restricting the publication of evidence given at a public hearing.

Clause 54

Clause 54 provides that a person may request a copy of a licence application, risk assessment or risk management plan. The Regulator must provide the person with the information, excluding any confidential commercial information and any information about the applicant's relevant convictions (within the meaning of clause 58).

Division 5—Decision on licence etc.

Clause 55

Clause 55 provides that, after taking the steps required by Division 3 or 4 of Part 5 in relation to an application for a GMO licence, the Regulator must decide whether or not to issue a licence. If the Regulator decides to issue a licence, he or she may impose conditions to which the licence is subject.

Clause 56

Subclause (1) provides that the Regulator must not issue the licence unless he or she is satisfied that any risks posed by the dealings proposed to be authorised by the licence are able to be managed in such a way as to protect public health and safety and the environment.

Subclause (2) specifies the matters that the Regulator must have regard to for the purpose of subclause (1), including (where prepared) the risk management and risk management plan, and any submissions received under clause 52 in relation to the licence.

Clause 57

Clause 57 provides that the Regulator must not issue the licence if the Regulator is satisfied that issuing the licence would be inconsistent with a policy principle issued by the Ministerial Council under clause 21 and unless the Regulator is satisfied that the applicant is a suitable person to hold the licence.

Clause 58

Clause 58 provides the matters to which the Regulator must have regard to in deciding whether a natural person or a body corporate is a suitable person to hold a licence. The Regulator may have regard to other matters, in addition to those specified under subclauses (1) and (2).

Clause 59

Clause 59 provides that the Regulator must provide written notification to the applicant of the Regulator's decision, including any conditions imposed

Clause 60

Clause 60 provides that a licence issued under the Bill continues in force either until the end of a specified period, or until it is cancelled or surrendered.

Subclause (2) provides that a licence is not in force during any period of suspension.

Division 6—Conditions of licence

Clause 61

Clause 61 provides that licences may be subject to a range of conditions, including conditions set out in clauses 63, 64 and 65,

conditions prescribed by the regulations and conditions imposed by the Regulator at the time of issuing the licence at any time thereafter.

Clause 62

Clause 62 describes matters which licence conditions may include and to which they may relate.

Clause 63

Clause 63 deals with conditions that must be imposed on a GMO licence.

Subclause (1) makes it a condition of a licence that the licence holder inform any person covered by the licence, to whom a particular condition of the licence applies, of the following: the particular condition applying to the person (including any variation of it), the cancellation or suspension of the licence, and the licence holder's surrender of the licence.

Subclause (2) provides that the requirements regarding the manner in which information is provided under subclause (1) may be prescribed by the regulations or specified by the Regulator.

Subclause (3) provides that such requirements may include measures relating to labelling, packaging, conducting training and providing information.

Subclause (4) makes it a condition of a licence that, where requirements for informing people covered by a licence have been prescribed or specified, the licence holder must comply with those requirements.

Clause 64

Subclause (1) provides that, where a person is authorised by a licence to deal with a GMO, and a particular licence condition applies to that dealing, it is a condition of the licence that the person authorised to deal with the GMO must allow the Regulator (or delegate) to enter premises where the dealing is being undertaken, for the purposes of auditing or monitoring the dealing.

Subclause (2) provides that subclause (1) does not limit the conditions that may be imposed by the Regulator or prescribed by the regulations.

Clause 65

This clause makes it a condition of a licence that the licence holder provides information to the Regulator in the following circumstances—

- where he or she becomes aware of additional information as to any risks to public health and safety or to the environment, associated with the dealings authorised by the licence; or
- where he or she becomes aware of any contraventions of the licence by a person covered by the licence; or
- where he or she becomes aware of any unintended effects of the dealings authorised by the licence.

Subclause (2) provides that the licence holder is taken to have become aware of additional information of the kind mentioned under subclause (1) if he or she was reckless as to whether such information existed. The licence holder is also taken to have become aware of contraventions or unintended effects of a kind mentioned in subclause (1) if he or she was reckless as to whether such contraventions had occurred or unintended effects existed.

Clause 66

This clause provides that a person covered by a licence may inform the Regulator if he or she becomes aware of the following: additional information as to any risks to public health and safety or the environment associated with the dealings authorised by the licence; any contraventions of the licence by a person covered by the licence; or any unintended effects of the authorised dealings.

Clause 67

This clause provides that civil proceedings may not be brought against a person who has given information to the Regulator under clause 65 or 66, because another person has suffered loss, damage or injury as the result of that disclosure.

Division 7—Suspension, cancellation and variation of licences

Clause 68

This clause gives the Regulator the power to suspend or cancel a licence. This power may be exercised by the Regulator by giving written notice to the licence holder. The grounds for the exercise of this power are listed in this clause and include: the Regulator's belief on reasonable grounds that there has been a breach of a licence condition; or the Regulator becoming aware of risks associated with the continuation of the authorised dealings and being satisfied that the licensee has not proposed or is not in a position to implement, adequate measures to deal with those risks.

Clause 69

This clause allows a licence holder to surrender a licence, with the consent of the Regulator.

Clause 70

Subclause (1) provides that a licence holder and a transferee may jointly apply to the Regulator for the licence to be transferred to the transferee.

Subclause (2) provides that the application must be in writing and must include information prescribed in the regulations (if any) and information specified in writing by the Regulator.

Subclause (3) requires that the Regulator must not transfer the licence unless satisfied that any risks posed by the authorised dealings will continue to be able to be managed in such a way as to protect public health and safety and the environment.

Subclause (4) provides that the Regulator must not transfer the licence unless satisfied that the transferee is a suitable person to hold the licence.

Subclause (5) requires that the Regulator provide written notice of his or her decision to the licence holder and the transferee.

Subclause (6) provides that if the Regulator decides to transfer the licence, the transfer takes effect on the date specified in the written notice and the licence continues in force as mentioned in clause 60 and is subject to the same conditions as in force immediately before the transfer.

Clause 71

This clause allows the Regulator to vary a licence at any time, by written notice given to the licence holder.

Subclause (2) provides that the Regulator must not vary a licence so as to authorise dealings involving the intentional release of a GMO into the environment if the application for the licence was originally considered under Division 3 of Part 5 (which deals with licence applications where there is to be no release of the GMO into the environment).

Subclause (3) provides that without limiting subclause (1), the Regulator may impose conditions or additional conditions, or remove or vary conditions imposed by the Regulator, or extend or reduce the authority granted by the licence.

Subclause (4) provides that the Regulator must not vary a licence unless satisfied that any risks posed by the dealings proposed to be authorised by the licence as varied, are able to be managed so as to protect public health and safety and the environment.

Clause 72

Clause 72 requires the Regulator to give written notice of a proposed suspension, cancellation or variation to the licence holder, before suspending, cancelling or varying a licence. The notice must state the Regulator's intentions with respect to the licence. The notice may require the licence holder to give the Regulator specific information which is relevant to the proposed changes to the licence, and may invite the licence holder to make a written submission to the Regulator about the proposed suspension, cancellation or variation. The notice must specify a period within which the licence holder must give information requested under subclause (2)*(b)* or make a written submission under subclause (2)*(c)*. This period must not end earlier than 30 days after the day on which the notice was given.

Subclause (5) provides that the requirements set out in this clause do not apply where the suspension, cancellation or variation has been requested by the licence holder.

Subclause (6) provides that clause 72 does not apply to a suspension, cancellation or variation of a licence if the Regulator considers such as being necessary to avoid an imminent risk of death, serious illness, serious injury or serious damage to the environment.

Division 8—Annual charge

Clause 72A

Clause 72A provides that any person who is the holder of a GMO licence at any time during a financial year is liable to pay a charge for the licence for that year.

PART 6—REGULATION OF NOTIFIABLE LOW RISK DEALINGS AND DEALINGS ON THE GMO REGISTER

Division 1—Simplified outline

Clause 73

This clause provides a simplified outline of the Part.

Division 2—Notifiable low risk dealings

Clause 74

This clause allows regulations to be made which declare a dealing with a GMO to be a notifiable low risk dealing for the purposes of this Bill.

Subclause (2) provides that before such regulations are made the Regulator must be satisfied that the dealing would not involve the intentional release of a GMO into the environment.

Subclause (3) specifies the matters to be considered by the Regulator before regulations are made prescribing notifiable low risk

dealings. These include whether the GMO is biologically contained so that it is not able to survive or reproduce without human intervention and whether the dealing would involve minimal risk to public health and safety and to the environment, taking into account the properties of the GMO as a pathogen or pest and the toxicity of any proteins produced by the GMO.

Subclause (4) provides that where regulations are made prescribing certain dealings as notifiable low risk dealings, the regulations may be expressed to apply to all dealings with a GMO or specified class of GMOs; or a specified class of dealings with a GMO or with a specified class of GMOs; or one or more specified dealings with a GMO or with a specified class of GMOs.

Clause 75

Subclause (1) allows regulations to be made which regulate a specified notifiable low risk dealing, or a specified class of notifiable low risk dealings for the purpose of protecting public health and safety or the environment.

Subclause (2) specifies that the regulations may prescribe different requirements to be complied with in different situations or by different persons including requirements in relation to: the class of person who may undertake notifiable low risk dealings; notification of the dealings to the Regulator; supervision by an Institutional Biosafety Committee; and the containment level of facilities in which such dealings are undertaken.

Division 3—The GMO Register

Clause 76

This clause comprises a note that states that section 76 of the Commonwealth Act provides for the establishment and maintenance of the GMO Register.

Clause 77

This clause provides that, where the Regulator determines that a dealing with a GMO is to be included on the GMO Register, the Register must contain: a description of the dealing with the GMO; and any condition(s) to which the dealing is subject.

Clause 78

Clause 78 provides that the Regulator may place a dealing with a GMO on the Register if satisfied that the dealing is, or has been, authorised by a GMO licence or the GMO is a GM product and is a genetically modified organism only because it has been declared as such by the regulations.

Clause 79

Subclause (1) prevents the Regulator from placing a dealing with a GMO on the Register unless the Regulator is satisfied that any risks posed by the dealing are minimal, and that it is not necessary for the persons undertaking the dealing to hold, or be covered by, a GMO licence in order to protect public health and safety or the environment.

For the purposes of subclause (1) the Regulator must have regard to the matters specified under subclause (2), which include any data available to the Regulator concerning adverse effects posed by the dealing, and may have regard to any other matters that the Regulator considers relevant.

Clause 80

This clause allows the Regulator to vary the GMO Register by written determination. A variation may remove a dealing from the GMO Register; revoke or vary conditions to which the dealing is subject; or impose additional conditions on the dealing.

Clause 81

This clause comprises a note that states that section 81 of the Commonwealth Act requires the Regulator to permit any person to inspect the GMO Register.

PART 7—CERTIFICATION AND ACCREDITATION

Division 1—Simplified Outline

Clause 82

This clause provides a simplified outline of the Part.

Division 2—Certification

Clause 83

This clause allows a person to apply to the Regulator for certification of a facility to a particular containment level. The application must be in writing, must contain such information as the Regulator requires, and be accompanied by the application fee (if any) as prescribed by the regulations.

Clause 84

This clause authorises the Regulator to certify the facility to a specified containment level if it meets the containment requirements specified in guidelines issued by the Regulator under clause 90.

Clause 85

This clause authorises the Regulator to request an applicant for certification of a facility to provide further information regarding the application as the Regulator requires. The written notice which requests the information may specify the period within which information must be provided.

Clause 86

This clause provides that the certification of a facility is subject to several conditions: those imposed by the Regulator at the time of certification; those imposed after certification varying the original certification; and any conditions prescribed by the regulations.

Clause 87

This clause authorised the Regulator to vary the certification of a facility.

Clause 88

This clause authorises the Regulator to suspend or cancel the certification of a facility if he or she believes on reasonable grounds that a condition of the certification has been breached.

Clause 89

Subclause (1) requires that, before suspending, cancelling or varying a certification, the Regulator must provide written notice of this proposal to the holder of the certification.

Subclause (2) states the formal requirements for the notice and provides that the notice may require the holder of the certification to provide specific information relevant to the proposed suspension, cancellation or variation and invite the holder to provide a written submission within a designated time frame. This period must not be less than 30 days after the day on which the notice was given.

Subclause (4) provides that the Regulator must consider any written submissions made to him or her.

Subclause (5) provides that clause 89 does not apply where the suspension, cancellation or variation is requested by the holder of the certification.

Subclause (6) provides that clause 89 does not apply where the Regulator considers that the action is necessary to avoid an imminent risk of death, serious illness, serious injury or serious damage to the environment.

Clause 90

This clause authorises the Regulator to issue technical or procedural guidelines regarding the requirements for the certification of facilities to specified containment levels and to vary or revoke those guidelines by written instrument.

Division 3—Accredited organisations

Clause 91

This clause enables a person to apply to the Regulator for accreditation of an organisation. The application must be in writing, and contain such information as the Regulator requires.

Clause 92

Subclause (1) enables the Regulator to accredit an organisation by written instrument.

Subclause (2) provides that in deciding whether to accredit the organisation, the Regulator must have regard to several matters including whether the organisation has established, or proposes to establish, an Institutional Biosafety Committee in accordance with guidelines under clause 98.

Clause 93

This clause enables the Regulator to require an applicant for accreditation of an organisation to provide further information in relation to the application. The notice requiring the information may specify a period within which the information is to be provided.

Clause 94

This clause provides that the accreditation of an accredited organisation is subject to any conditions imposed by the Regulator at the time of the accreditation, conditions imposed by the Regulator after accreditation which vary the organisation's original accreditation, and any conditions prescribed by the regulations.

Clause 95

This clause authorises the Regulator to vary the organisation's accreditation, at any time, by notice in writing.

Clause 96

This clause authorises the Regulator to suspend or cancel the accreditation of an organisation if the Regulator believes on reasonable grounds that a condition of the accreditation has been breached.

Clause 97

This clause provides that before suspending, cancelling or varying an accreditation, the Regulator must provide notice in writing of this proposal to the holder of the accreditation.

Subclause (2) states the formal requirements for the notice and provides that the notice may require the holder of the accreditation to provide specific information relevant to the proposed suspension, cancellation or variation and may invite the holder of the accreditation to provide a written submission within a designated time frame. This period must not be less than 30 days after the day on which the notice was given.

Subclause (4) provides that the Regulator must consider any written submissions made to him or her.

Subclause (5) provides that clause 97 does not apply where the suspension, cancellation or variation is requested by the holder of the accreditation.

Subclause (6) provides that clause 97 does not apply where the Regulator considers that the action is necessary to avoid an imminent risk of death, serious illness, serious injury or serious damage to the environment.

Clause 98

This clause authorises the Regulator to issue technical or procedural guidelines regarding requirements that must be satisfied in order for an organisation to be accredited under Division 3.

Subclause (2) provides that such guidelines may relate to, but are not limited to, the establishment and maintenance of Institutional Biosafety Committees.

Subclause (3) authorises the Regulator to vary or revoke the guidelines by written instrument.

PART 8—THE GENE TECHNOLOGY TECHNICAL ADVISORY COMMITTEE, THE GENE TECHNOLOGY COMMUNITY CONSULTATIVE COMMITTEE AND THE GENE TECHNOLOGY ETHICS COMMITTEE

Division 1—Simplified outline

Clause 99

This clause provides a simplified outline of the Part.

Division 2—The Gene Technology Technical Advisory Committee

Clause 100

This clause comprises a note that states that section 100 of the Commonwealth Act provides for the establishment and membership of the Gene Technology Technical Advisory Committee.

Clause 101

This clause provides that the function of the Gene Technology Technical Advisory Committee is to provide scientific and technical advice, on the request of the Regulator or the Ministerial Council, on a range of specific matters including gene technology, GMOs and GM products and the biosafety aspects of gene technology.

Clause 102

This clause comprises a note that states that section 102 of the Commonwealth Act provides for the appointment of expert advisers to the Gene Technology Advisory Committee.

Clause 103

This clause comprises a note that states that section 103 of the Commonwealth Act provides for the payment of remuneration and allowances to members of, and expert advisers to, the Gene Technology Technical Advisory Committee.

Clause 104

This clause comprises a note that states that section 104 of the Commonwealth Act empowers the making of regulations relating to the membership and operation of the Gene Technology Technical Advisory Committee.

Clause 105

This clause comprises a note that states that section 105 of the Commonwealth Act deals with the establishment of subcommittees by the Gene Technology Technical Advisory Committee.

Division 3—The Gene Technology Community Consultative Committee

Clause 106

This clause comprises a note that states that section 106 of the Commonwealth Act establishes the Gene Technology Community Consultative Committee.

Clause 107

This clause provides that the function of the Consultative Committee is to provide advice, on the request of the Regulator or the Ministerial Council, on specific matters including matters of general concern identified by the Regulator with respect to applications made under this Bill.

Clause 108

This clause comprises a note that states that section 108 of the Commonwealth Act provides for the membership of the Consultative Committee.

Clause 109

This clause comprises a note that states that section 109 of the Commonwealth Act provides for the payment of remuneration and allowances to members of the Consultative Committee.

Clause 110

This clause comprises a note that states that section 110 of the Commonwealth Act empowers the making of regulations relating to the membership and operation of the Consultative Committee.

Clause 110A

This clause comprises a note that states that section 110A of the Commonwealth Act deals with the establishment of subcommittees by the Consultative Committee.

Division 4—The Gene Technology Ethics Committee

Clause 111

This clause comprises a note that states that section 111 of the Commonwealth Act provides for the establishment and membership of the Gene Technology Ethics Committee.

Clause 112

This clause provides that the function of the Ethics Committee is to provide advice, on the request of the Regulator or the Ministerial Council on specific matters including ethical issues relating to gene technology.

Clause 113

This clause comprises a note that states that section 113 of the Commonwealth Act provides for the appointment of expert advisers to the Ethics Committee.

Clause 114

This clause comprises a note that states that section 114 of the Commonwealth Act provides for the payment of remuneration and allowances to members of, and expert advisers to, the Ethics Committee.

Clause 115

This clause comprises a note that states that section 115 of the Commonwealth Act empowers the making of regulations relating to the membership and operation of the Ethics Committee.

Clause 116

This clause comprises a note that states that section 116 of the Commonwealth Act deals with the establishment of subcommittees by the Ethics Committee.

PART 9—ADMINISTRATION

Division 1—Simplified outline

Clause 117

This clause provides a simplified outline of the Part.

Division 2—Appointment and conditions of Regulator

Clause 118

This clause comprises a note that states that section 118 of the Commonwealth Act provides for the appointment of the Regulator.

Clause 119

This clause comprises a note that states that section 119 of the Commonwealth Act sets out the circumstances in which the Regulator's appointment may be terminated.

Clause 120

This clause comprises a note that states that section 120 of the Commonwealth Act requires the Regulator to disclose his or her interests to the Minister.

Clause 121

This clause comprises a note that states that section 121 of the Commonwealth Act deals with the appointment of a person to act as the Regulator.

Clause 122

This clause comprises a note that states that section 122 of the Commonwealth Act deals with the terms and conditions of appointment of the Regulator.

Clause 123

This clause comprises a note that states that section 123 of the Commonwealth Act prohibits the Regulator from engaging in paid outside employment without the approval of the Minister.

Clause 124

This clause comprises a note that states that section 124 of the Commonwealth Act provides for the payment of remuneration and allowances to the Regulator.

Clause 125

This clause comprises a note that states that section 125 of the Commonwealth Act deals with the entitlement of the Regulator to leave of absence.

Clause 126

This clause comprises a note that states that section 126 of the Commonwealth Act deals with the procedure for resignation by the Regulator.

Division 3—Money

Clause 127

This clause provides that the Regulator may charge for services provided by, or on behalf of, the Regulator in the performance of his or her functions under this Bill and the regulations.

Clause 128

As the Bill applies to the Crown in all its capacities including the Crown in right of South Australia, clause 128(1) has been included to clarify that fees and charges under the Bill and the regulations are notionally payable by the State and bodies representing the State.

Clause 129

This clause comprises a note that states that section 129 of the Commonwealth Act provides for the establishment of the Gene Technology Account.

Clause 130

This clause provides that certain amounts must be paid to the Commonwealth for crediting to the Gene Technology Account.

Subclause (2) provides that the Consolidated Fund is appropriated to the extent necessary to enable amounts to be paid to the Commonwealth in accordance with subclause (1).

Clause 131

This clause provides that the amounts specified under paragraphs *(a)* to *(c)* may be recovered in court as debts due to the State of South Australia.

Clause 132

This clause comprises a note that states that section 132 of the Commonwealth Act sets out the purposes for which money in the Gene Technology Account may be expended.

Division 4—Staffing

Clause 133

This clause comprises a note that states that section 133 of the Commonwealth Act provides for staff to be made available to assist the Regulator.

Clause 134

This clause comprises a note that states that section 134 of the Commonwealth Act enables the Regulator to engage consultants.

Clause 135

This clause comprises a note that states that section 135 of the Commonwealth Act provides for staff to be seconded to the Regulator.

Division 5—Reporting requirements

Clause 136

This clause requires the Regulator to provide the Minister with an annual report on the operations of the Regulator under this Bill and regulations.

Clause 136A

This clause requires the Regulator to provide the Minister with quarterly reports on the Regulator's operations under the Bill and the regulations. The report must include information on various matters including GMO licences issued during the quarter. The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

Clause 137

Subclause (1) provides that the Regulator may, at any time, cause a report about matters relating to the Regulator's functions under this Bill and the regulations to be laid before each House of Parliament.

Subclause (2) requires the Regulator to give a copy of the report to the Minister.

Division 6—Record of GMO and GM product dealings

Clause 138

This clause provides that the Record of GMO and GM product dealings (which is to be maintained by the Regulator) must contain specific information (other than confidential commercial information), in relation to licences issued under clause 55. The Record must also contain specific information (other than confidential commercial information) in relation to each notifiable low risk dealing that is notified in accordance with regulations under clause 75. The Record must also contain any information (excluding confidential commercial information) prescribed by the regulations regarding GM products mentioned in designated notifications provided to the Regulator under any Act.

The Record must also contain a description of each dealing on the GMO Register and any condition to which the dealing is subject. This information must be entered on the Record as soon as is reasonably practicable.

Clause 139

This clause comprises a note that states that section 139 of the Commonwealth Act requires the Regulator to permit any person to inspect the Record.

Division 7—Reviews of notifiable low risk dealings and exemptions

Clause 140

This clause allows the Regulator, at any time, to consider whether a dealing with a GMO should become a notifiable low risk dealing, or whether an existing notifiable low risk dealing should no longer be recognised as such.

Subclause (2) requires that, in making these decisions, the Regulator must consider the matters in clause 74(2) or clause 74(3). These matters include whether the proposed dealings involve an intentional release of a GMO into the environment and whether the GMO can be biologically contained so that it is not able to survive or reproduce without human intervention.

Clause 141

This clause allows the Regulator, at any time, to consider whether an exempt dealing should no longer be such and whether a dealing should be an exempt dealing.

Clause 142

This clause enables the Regulator to publish a notice, at any time, inviting submissions with respect to any matter the Regulator may consider under clauses 140 and 141. This clause also sets out the matters that the Regulator must include in the notice and requires the Regulator to notify the States, the Gene Technology Technical Advisory Committee, and prescribed Commonwealth agencies. A notice may relate to a single matter or a class of matters.

Clause 143

This clause authorises the Regulator to recommend to the Ministerial Council that a dealing be declared a notifiable low risk dealing once the requirements under clause 143(1) are satisfied.

If a matter relates to whether an existing notifiable low risk dealing be reconsidered and after considering the matters referred to in clause 74, the Regulator considers that the dealing should not be a notifiable low risk dealing, the Regulator may recommend to the Ministerial Council that the regulations be amended accordingly. If the matter relates to whether a dealing should be an exempt dealing or should cease to be an exempt dealing the Regulator may recommend to the Ministerial Council that the regulations be amended accordingly.

Clause 144

This clause provides that the requirement to review notifiable low risk dealings or exemptions, is at the discretion of the Regulator.

PART 10—ENFORCEMENT

Clause 145

This clause provides a simplified outline of the Part.

Clause 146

This clause authorises the Regulator to give directions to the licence holder to take reasonable steps to bring that person back into compliance with the legislation, where the Regulator believes on reasonable grounds that the licence holder is not complying with the Bill or regulations and it is necessary to exercise powers under the clause to protect public health and safety or the environment.

Subclause (2) authorises the Regulator to take the same action with respect to a person covered by a GMO licence.

Subclause (3) imposes penalties for non-compliance with a notice under subclause (1) and (2).

Subclause (4) provides that the Regulator may arrange for the necessary steps to be taken where the licence holder or person does not take the steps within the designated time frame. Subclause (5) provides that if costs are incurred by the Regulator in arranging those necessary steps, the licence holder or the person covered by the licence is liable to pay to the State an amount equal to the cost.

Clause 147

This clause provides the Supreme Court with power to grant injunctions with respect to breaches of this Bill and the regulations.

Clause 148

This clause provides that a court may order forfeiture of any thing used or involved in the commission of an offence. The forfeited thing becomes the property of the State and may be dealt with in accordance with directions of the Regulator.

PART 11—POWERS OF INSPECTION

Division 1—Simplified outline

Clause 149

This clause provides a simplified outline of the Part.

Division 2—Appointment of inspectors and identity cards

Clause 150

This clause authorises the Regulator to appoint inspectors.

Clause 151

This clause requires the regulator to issue an identity card to an inspector.

Division 3—Monitoring powers

Clause 152

This clause provides powers of entry and monitoring to inspectors for the purpose of discovering whether the Bill or regulations have been complied with.

Clause 153

This clause describes the monitoring powers that an inspector may exercise for the purposes of finding out whether the Bill or regulations have been complied with.

Division 4—Offence related powers

Clause 154

Subclause (1) provides that the clause applies if an inspector has reasonable grounds for suspecting that there may be evidential material on any premises. The clause describes the inspector's powers of entry and seizure. The warrant is taken to authorise the seizure of another thing, where the inspector believes on reasonable grounds that the thing is evidential material and that it is necessary to seize the thing.

Clause 155

This clause describes the powers an inspector may exercise under clause 154(2)*(b)*.

Clause 156

This clause authorises an inspector in specific circumstances to operate equipment at premises, seize equipment, put material in documentary form and to copy material.

Division 5—Expert assistance

Clause 157

This clause authorises the inspector on certain conditions to secure a thing until it has been operated by an expert.

Division 6—Emergency powers

Clause 158

This clause provides an inspector with powers of entry and seizure and power to secure a thing, and to require compliance with the Bill and regulations, when the inspector has reasonable grounds for suspecting that there may be a thing on premises in respect of which the Bill or regulations have not been complied with, and the inspector considers it necessary to use powers under this clause to avoid an imminent risk of death, serious illness, serious injury or to protect the environment. These powers may only be exercised to the extent that it is necessary for the purpose of avoiding an imminent risk of death, serious illness, serious injury or serious damage to the environment.

If the Regulator incurs costs through an inspector taking reasonable steps, or arranging steps to be taken, under clause 158(2)*(e)*, the Regulator can recover the costs of taking those steps.

Division 7—Obligations and incidental powers of inspection

Clause 159

This clause provides that an inspector cannot exercise any of the powers under this Part in relation to premises unless he or she produces his or her identity card upon being requested to do so by the occupier of those premises.

Clause 160

This clause provides that, before obtaining consent from a person to enter premises (under clauses 152(2)*(a)* or 154(2)*(a)*), the inspector must inform the person that he or she may refuse consent.

Clause 161

This clause requires the inspector to make available a copy of a warrant to the occupier of the premises or a person representing the occupier. This copy need not include the signature of the magistrate who issued the warrant. The inspector must also identify himself or herself.

Clause 162

This clause provides requirements for an inspector to follow before entering premises under a warrant. An inspector does not have to comply with these requirements if he or she believes on reasonable grounds that immediate entry is required to ensure a person's safety, to prevent serious damage to the environment or to ensure that the effective execution of the warrant is not frustrated.

Clause 163

This clause details the circumstances in which compensation is payable by the Regulator to the owner of a thing.

Division 8—Power to search goods, baggage etc.

Clause 164

This clause empowers an inspector to examine goods, open and search baggage or a container, if he or she believes on reasonable grounds that the goods are goods to which this clause applies, and the goods may be, or contain, evidential material. The inspector is also authorised to question a person who appears to be associated with the goods, any question regarding the goods. Failure or refusal to answer a question relating to such goods is punishable by a maximum fine of $3 300.

Clause 165

This clause provides that an inspector may seize any goods if he or she has reasonable grounds to suspect the goods are evidential material.

Division 9—General provisions relating to search and seizure

Clause 166

This clause provides that if an inspector seizes, under a warrant, a thing or information that can be readily copied the inspector must, on request of the occupier or their representative who is present when the warrant is executed, give a copy of the thing or the information to that person as soon as practicable after the seizure.

Subclause (2) provides that this clause does not apply where the thing seized was seized under clauses 156(2)*(b)* or *(c)*, or where possession by the occupier of the thing or information could constitute an offence.

Clause 167

This clause provides that if a warrant is being executed, occupiers or their representatives may observe the search of the premises providing they do not impede the search. This clause provides that it does not preclude the searching of two or more areas of the premises at the same time.

Clause 168

This clause requires inspectors to provide receipts for things seized under this Part and provides that if two or more things are seized, they may be covered in the one receipt.

Clause 169

This clause provides requirements for the return of things seized.

Clause 170

This clause describes the circumstances in which an inspector may apply to the Magistrates Court to retain a thing and in which the Court may make such an order.

Clause 171

This clause allows the Regulator to dispose of a thing seized under this Part, when there is no owner or the owner cannot be located.

Division 10—Warrants

Clause 172

This clause provides that an inspector may apply to a magistrate for a warrant to enter premises and to exercise the monitoring powers set out in clause 153. The clause sets out what the magistrate must be satisfied of before issuing the warrant and details the requirements for the warrant itself.

Clause 173

This clause provides that an inspector may apply to a magistrate for a warrant to enter premises and to exercise the powers set out in clauses 154(3) and 155 and seize the evidential material. This clause sets out what the magistrate must be satisfied of before issuing the warrant and details the requirements for the warrant itself.

Clause 174

This clause allows an inspector in an urgent case to apply for a warrant by telephone or other electronic means. The clause details the steps the inspector and magistrate must take in relation to the warrant.

Clause 175

This clause sets out offences in relation to an application for a warrant.

Division 11—Other matters

Clause 176

This clause provides that nothing in this Part affects the privilege against self-incrimination.

Clause 177

This clause provides that this Part is not to be taken to limit the Regulator's power to impose licence conditions.

PART 12—MISCELLANEOUS

Division 1—Simplified outline

Clause 178

This clause provides a simplified outline of the Part.

Division 2—Review of decisions

Clause 179

This clause provides a table that specifies the decisions that are reviewable and the eligible person in relation to a reviewable decision.

Clause 180

This clause provides the notice requirements that the Regulator must follow after making a reviewable decision.

Clause 181

This clause provides that an eligible person may apply to the Regulator for an internal review of a reviewable decision (other than a decision made personally by the Regulator) and sets out the time frame for applications to be made. The Regulator is required to review the decision personally. The Regulator may affirm, vary or revoke the original reviewable decision. If the Regulator revokes the decision, the Regulator may make such other decision as the Regulator considers appropriate.

Clause 182

§This clause provides that the Regulator is taken to have rejected an application for a reviewable decision, if the Regulator has not notified the applicant of his or her decision during the specified period.

Clause 183

This clause provides that an application may be made by an eligible person in relation to a reviewable decision made by the Regulator personally or a decision made by the Regulator under clause 181. The application is made to the District Court in its Administrative and Disciplinary Division.

Clause 183A

This clause comprises a note that states that section 183A of the Commonwealth Act requires that a State be taken to be a person aggrieved for the purpose of the application of the *Administrative Decisions (Judicial Review) Act 1977* of the Commonwealth in relation to certain decisions, failures or conduct under the Commonwealth Act or regulations.

Clause 183B

This scheme does not affect any other right of appeal under Commonwealth law or the Constitution.

Division 3—Confidential commercial information

Clause 184

This clause provides that a person may apply to the Regulator for a declaration that specified information is confidential commercial information. The application must be in writing and in the form approved by the Regulator.

Clause 185

This clause provides that if the Regulator is satisfied that information is of a kind specified under subclause (1)*(a)* to *(c)* then he or she must declare that information to be confidential commercial information.

Subclause (2) provides that the Regulator may refuse to make a declaration if satisfied that the public interest in disclosure outweighs the prejudice that the disclosure would cause to any person.

Subclause (2A) provides that the Regulator must refuse to declare information as confidential commercial information if the information relates to locations at which field trials involving GMOs are occurring, or are proposed to occur, unless the Regulator is satisfied that significant damage to public health and safety, the environment or property would be likely to occur if the locations were disclosed.

Subclause (3) provides that the Regulator must give the applicant written notice of his or her decision about the application.

Subclause (3A) provides that if the Regulator declares information to be confidential commercial information and the information relates to a location where field trials involving GMOs are occurring, or proposed to occur, the Regulator is required to make publicly available reasons for the declaration, including the matters listed under clause 185(3A)*(c)* to *(e)*. If the Regulator refuses to make a declaration under clause 184(1) the information is to be treated as confidential commercial information until any review rights under clause 181 or 183 are exhausted.

Clause 186

This clause enables the Regulator to revoke a declaration made under clause 185 if the Regulator is satisfied that the information no longer meets the criteria set out in clause 185(1)*(a), (b)* or *(c)*, or that the public interest in disclosure of the information outweighs the prejudice that disclosure would cause to any person. The revocation of a declaration does not take effect until any review rights under clause 181 or 183 have been exhausted.

Clause 187

This clause prohibits the disclosure of confidential commercial information except in the specified circumstances.

Division 4—Conduct by directors, employees and agents

Clause 188

This clause provides for the determination of the elements of offences when a body corporate is involved and when employees or agents of other persons are involved.

Clause 189

This clause defines terms used in clause 188 of the Bill.

Division 5—Transitional provisions

Clause 190

This clause provides for transitional arrangements in relation to dealings with GMOs approved prior to the commencement of the Bill. The clause only covers matters previously approved by the Genetic Manipulation Advisory Committee.

The effect of clause 190(1) and (2) is that if an advice to proceed from the Genetic Manipulation Advisory Committee was in force in relation to a dealing with a GMO before the commencement of the licensing provisions of this Bill, then that dealing is deemed to be licensed under this Act. The licence is taken to be subject to any conditions imposed by the Genetic Manipulation Advisory Committee's advice to proceed.

Clause 191

This clause provides that regulations may be made in relation to transitional matters arising from the enactment of this Bill.

Division 6—Other

Clause 192

This clause provides a prohibition against knowingly giving false or misleading information or producing a document that is false or misleading in a material particular, in relation to an application or in compliance or purported compliance, with the Bill or regulations. The maximum penalty is 1 year imprisonment or $6 600.

Clause 192A

Clause 192A provides the penalty and the elements of an offence involving damaging, destroying or interfering with premises at which GMO dealings are being undertaken, or damaging, destroying, interfering with a thing, or removing a thing from, such premises.

Clause 192E

Clause 192E provides that an attempt to commit an offence against the Bill constitutes the offence of attempting to commit that offence and the penalty for the attempt is the same as for committing the offence.

Clause 193

This clause provides a regulation making power with respect to matters required or permitted to be prescribed by the Bill, or necessary or convenient to be prescribed for carrying out or giving effect to the Bill. The regulations may require a person to comply with codes of practice or guidelines issued under the Bill.

Clause 194

This clause provides for an independent review of the Bill as soon as possible after four years after its commencement.

Schedule

The schedule sets out a related amendment.

Mrs GERAGHTY secured the adjournment of the debate.

RAIL TRANSPORT FACILITATION FUND BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a bill for an act to facilitate rail transport by establishing a fund dedicated for the purpose; and for other purposes. Read a first time.

The Hon. DEAN BROWN: 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.

Leave granted.

The purpose of this Bill is to create a Rail Transport Facilitation Fund from which the Government can undertake rail facilitation projects, and to provide specific appropriation authority for the expenditure of the Fund on such projects.

As a consequence of the *Non-Metropolitan Railways (Transfer) Act 1997*, the Minister for Transport and Urban Planning now owns substantial railway land and assets, including railway station buildings at various locations in SA, and rail track infrastructure on

the South East, Wallaroo and Leigh Creek lines.

The growth in the freight task across Australia is forecast to continue to increase at a rate greater than GDP. At current growth rates, and in the absence of significant increases in the share of freight carried by rail, the tonnages moved by road are forecast by the Bureau of Transport Economics to increase by 80 per cent by 2015. The South Australian articulated road freight vehicle task is forecast to increase by 50 per cent between 2000 and 2010, from 12.1 to 18.12 billion net tonne kilometres.

The Government is committed to promoting a modal transfer of more interstate and intrastate freight from road to rail. If the forecast increase in the freight task is addressed only by an increase in heavy vehicles—road use and congestion will also increase, as will road risks and network maintenance costs. From an environmental perspective, over certain routes, rail is able to transport three times the tonnage for the same expenditure of energy and can thereby reduce greenhouse gas emissions, air and noise pollution.

The ability to invest in appropriate railway projects, and the identification of funds for that purpose, will:

- provide a more competitive transport framework for SA primary and secondary industries;
- address safety, greenhouse gas and pollution issues as part of transport infrastructure investment decisions;
- facilitate transport policy and planning across transport modes.

Projects currently approved or under consideration for Government support include the Port River Expressway rail bridge and the South East rail line standardisation. Investment in rail projects will also enhance the commercial ability of the Adelaide to Darwin Railway to attract additional rail freight, thus enhancing the SA Government's investment in that project.

The Rail Transport Facilitation Fund Bill 2001

The Solicitor General has advised that specific appropriation authority is required for the Government to undertake rail facilitation projects. This need is addressed by the *Rail Transport Facilitation Fund Bill 2001*.

The Bill creates a Rail Transport Facilitation Fund which will comprise income derived from the sale and leasing of rail assets (except as excluded by the Treasurer) and any income derived from rail facilitation projects. Other funds can be paid into the Fund, such as Commonwealth funds for a rail-related purpose and, with the Treasurer's concurrence, other monies. The Bill enables any funds currently in the Transport, Urban Planning and the Arts Operating Account for rail facilitation projects to be transferred to the Fund.

The Bill provides appropriation authority for expenditures from the Fund on a broad range of rail facilitation projects targeted at freight and non-metropolitan passenger services. The Bill specifically excludes the expenditure of funds on metropolitan passenger rail services. Projects can range from capital investment through to the purchase of equipment or materials. The Bill allows for funds to be disbursed as grants or loans.

I commend the bill to this House.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Interpretation

This clause provides two definitions for the purposes of the measure.

Clause 4: Establishment of Fund

The Rail Transport Facilitation Fund is to be established. The Fund will consist of money appropriated by Parliament for the purposes of the Fund, income derived from certain rail activities, other money received for payment into the Fund or that should, according to a determination of the Minister after consultation with the Treasurer, be paid into the Fund, and income derived from the investment of the Fund.

Clause 5: Rail facilitation projects

The Minister will be able to apply money from the Fund towards rail facilitation projects, as defined by subclause (2), other than projects for the facilitation of metropolitan passenger rail services.

Clause 6: Appropriation and authorisation

This measure is sufficient authority for the payment of money from the Fund, without further appropriation. The Minister is also given specific authority to carry out rail facilitation projects.

Mrs GERAGHTY secured the adjournment of the debate.

FREE PRESBYTERIAN CHURCH (VESTING OF PROPERTY) BILL

Second reading.

The Hon. R.G. KERIN (Deputy Premier): 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.

Leave granted.

This is a Bill for an Act to distribute the property of the now defunct Free Presbyterian Church of South Australia.

The Free Presbyterian Church of South Australia (the Free Church) did not join the amalgamation of Presbyterian churches which took place in the 1890's. Nevertheless, when the Free Church disbanded in the first half of this century, the care and financial responsibility for all of its land was undertaken by the Presbyterian Church that was created by the amalgamation in the 1890's.

In the 1970's the Presbyterian Church divided to create the continuing Presbyterian Church and the new Uniting Church. While most of the former Presbyterian Church's properties were divided between the continuing Presbyterian Church and the new Uniting Church, the Free Church's properties were not included in the division. Part of the reason for not dealing with the former Free Church land appears to be that some of the properties were vested in trustees for the benefit of the Free Church, who had since died. As a result, the properties could not be disposed of by conventional means.

The properties have now become a financial burden on the Churches, which have financial responsibility for the properties. The negotiations regarding the distribution of these properties extend back to the 1960's. Agreement has now been reached between the relevant parties as to the distribution of the various properties once belonging to the Free Church.

The division of the Free Church properties must occur through an Act of Parliament because these properties cannot be dealt with through traditional methods of property transfer. An Act of Parliament is required to extinguish existing trusts and to vest each property in a body that will, either, assume care and control of that piece of land, or will dispose of the land and deal with the proceeds of such sales as agreed by the relevant parties.

While two land parcels are to vest in councils, the majority of the properties are to be vested in a body which will be responsible for the sale of the properties. On 1 April 1999, such a body was created under the Associations Incorporation Act by the Churches. The 'Free Church Negotiators Incorporated' has been vested with the power to receive and hold property vested in it by Parliament, to sell the properties vested in it and other related powers.

The properties dealt with in the Bill are as follows:

William Street, Morphett Vale—Allotment 500 of Filed Plan No. 42504

This is the site of the John Knox Church and School. The property was held by trustees pursuant to an Indenture upon trust 'for the several members of the religious domination known by the name of the Free Presbyterian Church who assemble for worship at Morphett Vale…'

Following negotiations between the Free Church Negotiators and the Anglican Church, which currently uses a portion of this property, an agreement has now been reached between the relevant parties that will allow for distribution of this property to proceed without controversy.

The Bill discharges all trusts and encumbrances existing over the William Street property prior to the commencement of the Bill and vests the land in the Free Church Negotiators Inc, which will organise the disposal of the property as agreed between the parties.

Morphett Vale—Limited Certificate of Title Volume 5696 Folio 444

A limited Certificate of Title was issued in 1979 in relation to this property under the Real Property (Registration of Titles) Act, 1945. The registered proprietors named in the certificate were the trustees of the property, now all deceased, Peter Anderson, Alexander Brodie and Henry Smith.

This was the site of the so-called 'Brodies Church' which was established in 1850-1851 'for Presbyterians of all denominations'. However, Brodie's Church fell into disuse when the congregation decided to establish its own church (the John Knox Church), and it was burnt out in 1858. The site is still actively used as a cemetery. The cemetery has been in the de facto care and control of the

Noarlunga Council (now known as the City of Onkaparinga) since around 1977. The Council has assumed control of providing curator services, maintaining register books, making new lease arrangements, and undertaking general maintenance of the site.

The City of Onkaparinga and the Churches agree that this property will be vested in the City of Onkaparinga as community land.

Myponga—Certificate of Title Volume 5747 Folio 454

This was the site of a Free Presbyterian Church built in 1870, now in ruin. Since April 1977, the Presbyterian Trust Corporation has been the registered proprietor of this land. However, due to limitations in its powers, has been unable to sell the property and deal with the proceeds of a sale as the Churches have agreed.

Therefore, any trusts existing over the property are extinguished and the property vested in the Free Church Negotiators Inc for sale and distribution of proceeds.

Ryans Road, Aldinga—Limited Certificate of Title Volume 5696 Folio 439

This land is comprised in a limited Certificate of Title issued to the trustees (now deceased) of the Free Church erected on the land in 1856. Some years ago a transfer of the land to the Presbyterian Trusts Corporation was lodged, but because of unsatisfied requisitions, it has not been registered.

James Benny laid the foundation stone of the Church, which was last used in 1882. The Church is now in ruin.

The Presbyterian Church of South Australia, and more recently the Presbyterian Church and Uniting Church, have paid the rates in respect of the land, and there is not a situation of adverse possession by the adjoining occupier.

The Bill extinguishes the trust existing over the Aldinga property and vests the property in the Free Church Negotiators Incorporated for the purpose of organising the sale of the land.

Yankalilla—Certificate of Title Volume 5837 Folio 344

This land is presently vested in the Presbyterian Property Committee Incorporated and the Presbyterian Special Holding Committee Incorporated. Although the land (which is on the Normanville Road, within the township of Yankalilla) is now vacant, a church was opened on it in 1858.

This site is the subject of a 'full' Certificate of Title, and held in trust for the Free Church by the two incorporated committees. The Bill provides for the trust to be extinguished and the land to be vested in the Free Church Negotiators Inc, which will organise the sale of the land.

Spalding—Certificate of Title Volume 5829 Folio 507

This was the site of a Gaelic Church taken by James Benny under his care. The Church was opened in 1879, last used in 1900 and demolished in about 1924. A Gaelic cemetery is also on the site, which is under the defacto control and management of the District Council of Spalding (now known as the Northern Areas Council). According to Council records, there have been no burials on the site since the Council assumed control of the property. The extent of the Council's involvement with the property has been to generally maintain the grounds, fence, gate and erected signs. The monuments existing on the site will remain for historic reasons; pioneers of the district are buried at the cemetery. No other use is intended for the land.

The registered proprietors of the land are Alexander McLeod, Malcolm McLeod and John Benny as the Elders of the Spalding Church, who hold the land in trust for the benefit of the Free Church.

The Northern Areas Council and the Churches have agreed that the property be vested in the Northern Areas Council as a cemetery. Therefore, the trust is extinguished and the land is vested in the Northern Areas Council.

Lucindale—Certificate of Title Volume 249 Folio 241

Although this was originally a Free Presbyterian Church, it was used by other denominations since 1890. The current registered proprietors are five trustees (all deceased) to whom the property was transferred in 1883. It was leased by the Presbyterian Church of South Australia early in the century and is still in use as a Presbyterian Church.

The property was awarded to the Presbyterian Church by determination of the Supreme Court (Cox J, 10 March 1984). However, for various reasons, an application to vest this land in the Presbyterian Trusts Corporation has not been lodged.

It is now proposed that the trust be extinguished, and the land vested in the Presbyterian Trust Corporation for the benefit of the Presbyterian Church.

This Bill will facilitate the distribution of the property of the Free Presbyterian Church.

I commend this bill to the House.

Explanation of clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the measure to commence on a day or days to be fixed by proclamation.

Clause 3: Interpretation

This clause is an interpretation provision that defines a number of the bodies in which land is vested under the Bill.

Clause 4: Vesting of land in Free Church Negotiators Incorporated

This clause vests four specified pieces of land in the Free Church Negotiators Incorporated, an association incorporated under the *Associations Incorporation Act 1985*. Each piece of land is vested for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand, other than any existing statutory or other easement over the land.

Clause 5: Vesting of land in The Presbyterian Trusts Corporation

This clause vests a specified piece of land in The Presbyterian Trusts Corporation, a corporate body of trustees incorporated under the *Presbyterian Trusts Act 1971*. The land is vested for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand, other than any existing statutory or other easement over the land.

Clause 6: Vesting of land in Northern Areas Council

This clause vests a specified piece of land in the Northern Areas Council for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand, other than an existing statutory or other easement or burial right over the land or any part of the land.

The land will, on vesting, be taken to be have been classified as community land for the purposes of Chapter 11 of the *Local Government Act 1999* (but that classification can subsequently be revoked under that Chapter).

Clause 7: Vesting of land in City of Onkaparinga

This clause vests a specified piece of land in the City of Onkaparinga for an estate in fee simple freed and discharged from any trust, estate, right, title, interest, claim or demand, other than an existing statutory or other easement or burial right over the land or any part of the land.

The land will, on vesting, be taken to have been classified as community land for the purposes of Chapter 11 of the *Local Government Act 1999* (but that classification can subsequently be revoked under that Chapter).

Clause 8: Duty of Registrar-General

This clause sets out the duties of the Registrar-General in respect of the land vested by the Bill. The Registrar-General is required, on application by a body in which land is vested by the Bill, to make such entries on existing certificates of title or other records and issue such new certificates of title as the Registrar-General considers appropriate for giving full effect to each vesting.

Any land not subject to the provisions of the *Real Property Act 1886* must be brought under that Act. In giving effect to a vesting, the Registrar-General is not required to make any further investigation of title or public advertisement or require the production of duplicate certificates or other documents of title. No fee is payable in respect of an application, or any action by the Registrar-General, under this clause.

Clause 9: Exemption from stamp duty

This clause provides that where land vests by virtue of this Bill, no stamp duty is payable. Nor do the requirements of the *Stamp Duties Act 1923* to lodge statements or returns apply to a vesting under this Bill.

The Hon. M.D. RANN (Leader of the Opposition): In rising to speak to this bill for an act to distribute the property of the now defunct Free Presbyterian Church of South Australia, I want to say that, probably more than most other bills we have had to consider, this legislation is both controversial and requiring of an understanding of history.

The Free Presbyterian Church of South Australia did not join the amalgamation of Presbyterian churches which took place back in the 1890s. Nevertheless, when the Free Church disbanded in the first half of the 20th century, the care and financial responsibility for all its land was undertaken by the Presbyterian Church which was created by that amalgamation

back in the 1890s. Now we move forward to the 1970s, when the Presbyterian Church divided to create the Continuing Presbyterian Church and the new Uniting Church by way of an amalgamation with a number of other churches, including the Methodists.

The problem we are grappling with in the House today is that, while most of the former Presbyterian Church's properties were divided between the Continuing Presbyterian Church and the new Uniting Church, the properties formerly belonging to the Free Presbyterian Church were not included in the division. There were legal impediments to doing so, because some of the properties were vested in the trustees for the benefit of the Free Church, but these trustees subsequently died. As a result, there is gridlock and paralysis, and the properties cannot be disposed of by conventional means. The properties we are talking about have now become a financial burden on the churches which have financial responsibility for them.

The negotiations regarding the distribution of these properties apparently extend back to the 1960s, and there is now a considerable measure of agreement between the relevant parties as to the distribution of the various properties once belonging to the Free Church. However, for the benefit of the House, I think we need some historical overview.

Members would be aware that the Free Presbyterian Church still exists in a number of countries, including Scotland, the United States of America, Canada and elsewhere. It is a group of protestants whose Presbyterian roots go back to the Reformation of the 16th century. It is and was a church that is fundamental in doctrine, evangelical in outreach, protestant in conviction, separatist in practice and Presbyterian in government—and, of course, it is Scottish in origins.

Although the origins of the Presbyterian Church government go back to the 1st century AD, as I am sure the shadow Attorney-General will be able to elaborate on, the main founder of modern Presbyterianism was John Calvin who, from a scriptural basis, expounded the principles of the system but directed the practice of them through his church in Geneva. I visited it during a break in discussions during 12 hours of intensive talks with the Director-General of the World Trade Organisation, the Rt Hon. Mike Moore, in order to obtain spiritual refreshment in September 1999.

John Calvin was largely responsible for the formation of the Presbyterian traditions which persist to this day. The emphasis is on the sovereignty of God, the championship of liberty of conscience, the value of a highly trained ministry, the alliance between church and education and, of course, all-pervasive puritanism. I do not have time today to go into the differences between high, broad and low Presbyterianism—

Mr Hill interjecting:

The Hon. M.D. RANN: I am getting interjections and need protection from the member for Kaurna, who would like me to expound on the differences between high, broad and low Presbyterianism but, essentially, the principle of Presbyterian parity is universally observed. All ministers are equal (there being no popes or archbishops). The president of all courts, generally a minister, is called the moderator and, rather than being infallible, is very much like a Premier or Leader of the Opposition, only primus inter pares, or first amongst equals.

Ministers popularly elected to their charges are ordained by presbyters—ministers who are already ordained. There is a general assembly consisting of a minister, who is the moderator, along with popularly elected elders, the presbyters and including a minister and elders from each congregation. As I understand, it the elder assists the minister with the government of the church, but again I am not prepared today to go into differences between beadles, church officers, sextants and deacons.

The chief founders of Scottish Presbyterianism were John Willock, an ex-friar, and John Knox. Its chief formative and normative documents were the Calvanistic *Confession of Faith*, the first *Book of Discipline* and the *Book of Common Order*, the so-called Knox's liturgy. The first presbyteries were not established until 1581 and were heavily influenced by Andrew Melville, who returned from Geneva in 1574. After a momentary lapse into quasi-episcopacy, inspired by King James and sanctioned by the Black Acts of 1584, the Presbyterian constitution was ratified by parliament in 1592, from memory. With his eye firmly on the English succession, King James was totally focused on the establishment of a Scottish episcopate and, by 1610, his absolute monarchy was buttressed by the appointment of bishops. The king's desire was to turn the Scottish Free Church into Anglicanism, and this folly was carried a stage further by the famous Articles of Perth in 1618, of which I know the member for Elder would be well aware. Later, in 1637 Charles I attempted to impose the so-called Laud's liturgy upon the Scottish church. The reaction was so fierce that Scotland became a nation of Presbyterian covenanters, and the Church of Scotland remained Presbyterian until the Restoration.

Anyone interested in parliamentary history would know (so I do not need to educate people in this chamber) that the Scottish Presbyterians formed a strong alliance with the English parliamentary party through the Solemn League of Covenant of 1643, part of the process that led to the execution of the king and the subjugation of Scotland by Oliver Cromwell.

With the Restoration, and in spite of the loyalty of Scottish Presbyterians to Charles II, the king re-established episcopacy in Scotland and the covenanters were then engaged in nearly 30 years of struggle and indeed persecution, particularly in the area around Fife and Stirling, I think, which left a strong anti-episcopal stamp upon the Scottish heritage.

Of course, when William of Orange came to the British throne, Presbyterianism was re-established in 1690, and since then the Church of Scotland has remained Presbyterian. But there were years of struggles and successions. Factionalism set in—

Mr Conlon: I can feel a great big word coming on.

The Hon. M.D. RANN: I want to talk later about antidisestablishmentarianism. A few centuries later, in 1843, a third of the ministers left the church and formed the Free Church but, to be truthful, there was little of vital importance to distinguish the state church from the non-established Presbyterian bodies, except the direct connection to the state. One was an established church, as was the Anglican Church in England. It was officially set up; when the Queen is in England she is the head of the Anglican Church and when in Scotland she worships in the official Presbyterian Church of Scotland.

But it was not until the beginning the 20th century that the mother church—the Church of Scotland—entered into negotiations regarding union with the largest of the dissenting groups, the United Free Church. This required acts of parliament. I think there were two acts of parliament in the 1920s to remove the final barriers to union. In 1929, the United Free Church and the Church of Scotland were formally united under the name of the latter but, unfortunate-

ly, there were more splinter groups. The Church of Scotland—reunited, national, free and endowed, a unique institution amongst state churches—had, by the time of my birth in January 1953, over 2 000 ministers and about 1 300 000 communicants in Scotland and, of course, more than 17 300 missionaries in the Third World.

I do not want today to go through the whole history of the secessionist movement or, indeed, to further elaborate on the countermoves of anti-disestablishmentarianism or the fissiparous process, because I do not want to confuse other members of parliament today in the important task that we have before us. But let me just say that the Free Church of Scotland was formed in 1843 when, under the leadership of Thomas Chalmers, nearly 500 ministers out of 1 200 left to establish the Free Church of Scotland after a 10 year struggle for spiritual independence, particularly in the matter of the popular election of ministers. I think it is fairly true to say that the central argument was with the state rather than with the sister church. The free church claimed to be the legitimate successor of the original Church of Scotland as reformed in the 16th century, and free from any civil interference or reference to state magistrates.

The leaders of the free church joined with the United Presbyterian Church in 1900 which, in turn, united with the Church of Scotland in 1929, on the eve of the Great Depression. Those members of the free church who refused to unite with the United Presbyterian Church in 1900 retained the title and rights of the Free Church of Scotland. So, this renegade group decided to fight legally to retain the title and rights of the Free Church of Scotland, and the very lengthy law suits that followed ended in the House of Lords finding in favour of this minority.

Mr Atkinson: What year was that?

The Hon. M.D. RANN: That was in the early 1900s. So, the legal free church—affectionately called the Wee Frees—had, by 1955, at least 102 ministers in Scotland and a membership of about 10 000, mostly of highland stock. I hope that this short discourse has helped to clarify the antecedents of the free church of South Australia in order to help us understand what we are dealing with today.

There is a rich Presbyterian history in Australasia. Indeed, the oldest Christian building in our nation is the Presbyterian Church built at Ebenezer in New South Wales about 1809, and 14 years later the Church of Scotland minister J.D. Lang began his great work as the real founder of the Presbyterian Church of Australia, which again, by the time of my birth, had 719 ministers and about 103 791 communicants in Australia.

Across the Tasman, of course, Presbyterianism has had a massive influence on the development, temporal and spiritual, of New Zealand—and, indeed, it is a country that has more than double the number of pipe bands as in Scotland. The Presbyterian Church has had a massive impact on New Zealand. The Presbyterian Church in the North Island was founded by the Church of Scotland immigrants and adherents and, in the south, by free churchmen. Indeed, Thomas Burns, the nephew of the poet Robert Burns, was the first minister of the Otago model colony of New Zealand.

I was instructed, because I am only primus inter pares, not to speak on this bill for the two or three hours that I intended to. However, today we have to deal with a number of parcels of land and dispose of them. The division of the Free Church Properties in South Australia must occur through an act of parliament such as this, because these properties cannot be dealt with through traditional methods of property transfer. An act of parliament is required to extinguish existing trusts and to vest each property in a body that will either assume care and control of that piece of land or dispose of the land and deal with the proceeds of such sales as agreed to by the relevant parties. While two land parcels are to vest in councils, the majority of the properties are to be vested in a body that will be responsible for the sale of those properties. On 1 April 1999, such a body was created under the Associations Incorporation Act by the churches. The Free Church Negotiators Incorporated has been vested with the power to receive and hold property vested in it by parliament to sell the properties vested in it and other related powers.

In his second reading speech, the Deputy Premier referred to, of course, the William Street, Morphett Vale, allotment, the Morphett Vale limited certificate of title volume, the Myponga certificate of title, the Ryans Road, Aldinga, certificate of title and also properties in Yankalilla, Spalding, Lucindale and elsewhere.

I heard someone to my left—I think it was the member for Elder—interject about John Knox. It is true that he was originally ordained as a Roman Catholic priest. He is the founder of Presbyterianism, but in 1547 he joined those Protestant reformers who had captured St Andrew's Castle. When the castle was retaken by the French, Knox was sentenced to the gallows. He was released two years later. He studied in Europe—in fact, I think there were a number of visits to Geneva to study under Calvin: I think on three occasions he went to Geneva before returning to Scotland, where he became the leading figure of the Reformation.

Women members of parliament (and I particularly wanted to make this point today) would remember his most famous tract, which was entitled *Blast of the Trumpet against the Monstrous Regiment of Women*, which gave permanent offence not only to Queen Elizabeth I but also to his arch enemy, Mary Queen of Scots. Knox bore a terrible hatred towards Mary of Guise (who was, of course, a French woman married to King James of Scotland and the mother of Mary Queen of Scots). As soon as Mary Queen of Scots returned to Scottish soil, Knox fled, rightly fearing for his life. When he returned to Scotland, he sought a personal interview with the young queen, then just 20 years old, 'with intent to bring her heart back to Jesus'. Mary then tried her hand at converting Knox back to Roman Catholicism with bribes of political power. Knox then, unfairly and quite, in my view, blasphemously, in an act of extraordinary defamation, described the Catholic clergy of Scotland as being a group of 'gluttons, wantons and licentious revellers'. Mary Queen of Scots is reputed to have said:

> I fear the prayers of John Knox more than all of the assembled armies of Europe.

An unlikely quote, I think. However, some of my Scottish friends have tried, unsuccessfully, to convince me that Knox has been dealt with unfairly by history, which seems intent to link him with narrow bigotry, the abolition of any celebrations on Christmas Day, the promotion of guilt and joylessness and a philosophy that effectively stunted artistic expression. However, I have decided, in order to assist a greater understanding of Knox and his role in the spiritual development of Australia, to send copies of his tract *Blast of the Trumpet against the Monstrous Regiment of Women* to the deputy leader for her to circulate amongst women members of caucus for discussion perhaps on another occasion. I commend this bill to the House.

Mr ATKINSON (Spence): In 1843, the Free Presbyterian Church—or the Free Church of Scotland—declared itself independent of the Presbyterian Church, or the Church of Scotland. In the three years after the declaration of independence, the Wee Frees built 700 new churches and, in the four years after independence, they opened 513 elementary schools.

The Wee Frees catered to evangelical Protestants in the Gaelic speaking part of Scotland. Much of the efforts and savings of the Presbyterian Churches were, however, dissipated in litigation against each other and canon law charges against the clergy. On 30 October 1900 the Free Church of Scotland and the United Presbyterian Churches of Scotland merged to form the United Free Church of Scotland. As commonly happens when schisms are healed, not all parts join the united church and some of these continue to cling to the reasons for the schism and to declare themselves the true successors of the original schismatic church. So, after the merger of 1900 some Presbyterians continued to describe themselves as Wee Frees.

As I understand it, Wee Frees in South Australia bought real estate and built churches in the second half of the 19th century. One of these, now a ruin, was at Aldinga. Properties held on trust for the Free Presbyterian Church must now be dealt with by parliament because the trusts have been frustrated by the Wee Frees no longer existing in the form that they did at the time of the trust.

In the 20th century the Presbyterian Church of Australia was the dominant, perhaps the sole, expression of Presbyterianism in Australia until 1977, when most of the Presbyterian Church of Australia joined with the Methodist Church of Australia and the Congregational Church of Australia in the new Uniting Church. A minority of Australian Presbyterians kept a continuing church going.

The Attorney-General, who should know something about this, proposes that the Wee Free properties be vested in a body created in 1999 by the Uniting Church and the continuing Presbyterian Church known as the Free Church Negotiators. Under this proposal, the trust properties will be given to local government or given to the Presbyterian Trusts Corporation or sold and the money shared between the two existing churches according to an agreed formula. Owing to the need to pay council rates and other charges, the properties are a burden on the two churches and the trusts need to be wound up.

As is usual, a select committee of parliament has inquired into the bill to terminate the trusts. This procedure is uncontroversial save for the Aldinga ruin at Ryan Road, which was a church from about 1846 until the 1880s. A small group called the Tomatin McRae Association, claiming to be the descendants of men who established the Aldinga church, have emerged to claim ownership. The Tomatin McRae Association says that if the bill will not transmit ownership to it then the ruin should be vested in the Onkaparinga Council so that it may be preserved as a monument to the Wee Frees.

As a continuing Anglican I can understand this. Some of my parliamentary colleagues may say that my role as priest's church warden in the tiny Anglican Catholic church makes me an expert on recondite legal cases about small schismatic Christian churches.

The Hon. M.D. Rann: You're not a beadle.

Mr ATKINSON: No, I am not a beadle. In my opinion, authority in the Christian church should be conveyed from generation to generation by the apostolic succession or by the faithful adherence to and practice of the teaching of the church.

Mr Koutsantonis: There's only one church with apostolic succession. That's the true Catholic church.

Mr ATKINSON: The member for Peake is interjecting out of his seat along the lines of a car sticker I once saw on a car in a driveway in his electorate when I was letterboxing for him at his first election. The car sticker read 'Orthodox Church founded AD 33'. I am reminded of a story about the late Reverend Howell Witt who, before becoming an Anglican bishop, was rector of St Mary Magdalene's, Moore Street, Adelaide, once my parish church. A young man who was to serve at a mass celebrated by Father Witt was late. When he did arrive, he was soaking wet, having ridden his bicycle to the city from the suburbs. Father Witt was exasperated by the delay and demanded of the server why he attended a city parish when he lived in the suburbs. The server replied that his father and his grandfather attended the church. 'Good God man,' Father Witt snapped, 'this is a Christian church, not a temple for ancestor worship!' The relevance of the story is this: if the Tomatin McRae Association wants to resurrect the faith and practice of the Wee Frees, that would be a good thing.

When the priest and much of the congregation of Adelaide's Macedonian Orthodox church were locked out of their Findon church by the secular association that controlled the property, I joined them in the holy liturgy celebrated on the pavement outside the church. They have now been accommodated, thanks to the kindness of the Adelaide Catholic Archdiocese, at St Josephs, Woodville South. If there were any evidence that the Tomatin McRae Association had sought to revive the Wee Frees, I would vote to give them the property. However, as the association is secular and claims the property by descent, not doctrine or practice, I cannot agree to its request. I support the bill.

Mr HILL (Kaurna): I will not go through all the points made by my two learned colleagues. They really stole my thunder. I wanted to make many of the points already made. I want to focus on the Aldinga property and comment on some of the lobbying that has been done in relation to that. Before doing so, I will just share with the House a piece of knowledge I picked up yesterday while reading a biography of Andrew Fisher, one of the great Labor Party Prime Ministers of Australia—in fact a Prime Minister on three occasions. Indeed, he was the first Prime Minister of Australia to win government for his party in its own right. He was a very important man. The House will be pleased to know that he was a member of the Wee Free Presbyterian church.

Mr Atkinson: His son wrote the rugby column for the *Advertiser.*

Mr HILL: That I did not know, but I understand now that his son wrote the rugby column for the *Advertiser*. I wish to raise a little matter in relation to the Ryan Road, Aldinga, property. I guess that all members of the House would have been inundated by members of the Tomatin McRae Association lobbying for a change in status of that property. They object most strenuously to the vesting of that property in the Presbyterian Church. I will not go through their arguments as I think they are well known to all members. They suggested a compromise, namely, that the property should be vested in the Onkaparinga city council, and if that were to happen the association has undertaken to look after the property and

try to restore it to some sort of condition where it can be used and enjoyed.

Mr Lewis interjecting:

Mr HILL: I am just raising their concerns in here today, and if it were possible to have it vested in the Onkaparinga council, if that council would support that, and if the association could afford the costs of doing that, that would seem to me a sensible solution. I do not know what the council is now saying, but I do know that when it wrote to the Deputy Premier on 20 July this year it made these points. In part, the letter said:

> Council has a strong commitment to heritage conservation and considers the Ryan Road ruin to be an important historical site. Experience shows that the most important factor in the effective conservation of any heritage place is the commitment of the property owner. The Tomatin McRae Association has displayed a high level of commitment to the preservation of this ruin, and its ownership of the property would contribute significantly to that end.

The council then goes on to say:

> I also understand that the association's letter to members of the House of Assembly details an option for the property to be vested in the City of Onkaparinga. In response to this, I wish to advise that council is not yet in a position to decide whether it would accept such a vesting. If the House of Assembly is minded to give favourable consideration to such an amendment, we request that sufficient time be given for council to negotiate relevant issues with the Tomatin McRae Association with respect to property vesting.

That letter was written in July. It is now late September, so I assume that sufficient time has elapsed for that consideration to be given. I would ask the Deputy Premier, when he finally closes this debate, to comment on whether or not any further consideration is being given to that option.

Mr LEWIS (Hammond): The remarks of those members participating in this debate—especially the Leader of the Opposition and the shadow Attorney-General (the member for Spence)—are very interesting to me as they revised my nocturnal meanderings through history books which were not a requisite to my secondary school studies and which are totally irrelevant to the bill.

Mr Atkinson interjecting:

Mr LEWIS: Maybe not. Although I acknowledge the extent to which factions within the tribes murdered each other over their mistaken zeal to achieve a higher state of glory and approbation for the hereafter (one presumes was what motivated their doing it), nonetheless, that does not help resolve the problems that have been drawn to our attention by people from the Tomatin McRae Association, which is an incorporated body. I believe that the case they make out is sound if only because this part of the Presbyterian Church—the part of it which established the church in question on the land in question and which is now a ruin or, if you like, a derelict structure that has some historical significance—was not part of the Presbyterian Church that joined with the Uniting Church. I do not think, therefore, that the Uniting Church ought simply to get ownership of the land so it can—

Mr Atkinson: You should be kind to them; you married in one of their churches.

Mr LEWIS: Sure, but I am trying to be fair to the people who are involved. I know Don Hopgood and his role in the Uniting Church. I know that this is a lovely parcel of land that is worth a hell of a lot of money right now. I know that, if we transfer it to the Uniting Church by passing this bill, the Uniting Church will simply flog it, take the money and put it wherever else it thinks it appropriate to invest the funds. To my mind that is hardly fair to the people whose forebears built the structure, the church, as it was, and hardly fair to the people who are their descendants and who have since erected a cairn there and continued to use the place as a gathering point for all the descendants of those who made the effort and put in the blood, sweat and tears to collect the stones and to trim, match and erect them into the structure which is there now and which they use for worship.

They have expressed to all members of parliament and to me their belief that the select committee of the Legislative Council did not give due weight to their request either to remove from the bill reference to the property in Ryans Road, Aldinga, on which is located the ruined Free Presbyterian Church built in the 1850s, or to have the property vested in the Onkaparinga council or some other body which would be concerned to preserve the ruin as a memorial to the early Scottish pioneers who went there. They were referring to the particular certificate of title in volume 5696, folio 439 (and in the bill that happens to be clause 4(1)(c)).

The bill passed the upper house and has been introduced here. The church ruin is considered not only by the descendants of the original owners of the property (who are members of this association) but by the Royal Caledonian Society of South Australia and the Onkaparinga council to have a unique heritage value, both for the district and for all the descendants of the pioneers of South Australia, many of whom are from Scotland. The Presbyterian Church negotiators, in whom the bill proposes to vest the land, made it clear that they will simply sell the property for the money they can get from it and raise funds for various other church purposes, which means that the ruin will almost certainly be destroyed if the bill passes without appropriate amendment.

If that is what the philistines on the opposition benches and in the government really want to do, well, let them: I guess I cannot stop them. I can simply raise my voice here saying that, notwithstanding whether or not the structure is functional at this time, it is still a heritage building. That community at Aldinga was, at the time, on a selected piece of land and very remote from anywhere like the capital city. It was deliberately selected by those people as the place to which they would go and settle and practise their faith. I do not believe that we ought simply to wipe out all such ruins around South Australia, and there are many of them.

And, because this one forms part of the greater metropolitan area now, it probably has greater significance to be kept, because more people will see it and, in seeing it, understand what sustained people's commitment to life at the time that the province of South Australia was first settled by Europeans. If we do not care about that, we do not really care about the values that give us the society we enjoy today. We do not have the values of the Rum Corps, for instance. I know that some members of the Labor Party do; and I know that there are some other members of the chamber beside them who have about as much morality as the Rum Corps in New South Wales.

Equally, I know of other people in this place who have about as much regard for those small free settlers on their small holdings as some of the 18th and 19th century lords in England had, who pursued their residents ostensibly for tithes, and further—and worse—pursued them for poaching. They loaded them onto rotting hulks and sent them off to their death; they sent them here as convicts in chains for simply stealing enough food to live on from the natural resources at their disposal. It is not as though the people in question went into houses or shops to steal. Most often they might have taken a trout, a hare or some rabbits and kept

more flour or grain than their squires believed they should have and they were therefore convicted.

I believe that it is as important to retain as much of what is modest as it is to retain as much of what was seen by some to be grand and ostentatious: the two stand side by side. Ostentation of the early 19th century in this state does not have any greater merit, in my opinion, than modesty in the structural form of buildings upon which the early European settlers relied; and this church and the way in which the community around it together established it by their joint efforts ought to be respected for that reason.

I continue with their request to us where they respectfully ask that one of us move an amendment to the effect that the property be excised from the bill or vested in the Onkaparinga council. I intend to. The association would be an appropriate owner, but I guess I am not likely to get up that amendment so I will be moving an amendment that it be vested in the Onkaparinga council so that association can continue to visit the site on which their forebears as friends and members of the same faith all got together in their cooperative efforts to build their place of worship and for that site to be remembered for what it was, because all members here need to remember that the privations that were suffered in the mid-19th century at the time this was being erected are very different from what they are now. They were very much more onerous to bear and doubtless religious faith played a very big part in enabling people to get up every morning and go on with it.

There was no immunisation; disease was rampant. What caused it was not well understood and there were therefore epidemics of things like not only influenza but also diphtheria, whooping cough, measles and typhus. That caused deaths of great numbers of children in those communities. In percentage terms in some communities as many as 90 per cent of the children in certain age groups died as a consequences of contracting those diseases. They have asked us to bear that in mind and to enable what kept their forebears together and committed to the task of making tomorrow a better place to live in than yesterday—their faith.

They have said that one legal opinion is that the whole bill is dubious as it depends upon the cy pres, which is more church law than property law as such. One of the owners listed on the title is John Tuthill Bagot. He was once Attorney-General himself and Chief Secretary in 1886 and to extinguish his title, as the bill if passed will, would be contrary to the tenet of indefeasibility of title. I share that view. The association has a superior argument to that of the Presbyterian Church of South Australia in view of the fact that their members and the contacts which their members have established are all descendants of the congregation of the church as stated on the communion roll, and that the Legislative Council apparently refused to recognise that point. That is sad.

The church was a community object and the Onkaparinga council represents the extant community that should continue to benefit from it in its current form. I agree with them also that if either of the suggestions they make are taken, any subsequent query over title raised by the heirs of Bagot would be dealt with fairly, whereas this would not be the case if the land were vested in the free church negotiators and subsequently sold. I do not think it is fair for us as a parliament to simply ignore the claims made by these people, yet it seems that that is what the select committee of the Legislative Council has done. They received a number of written submissions, only three of which supported the bill in its entirety, and all of these were various instruments of the Presbyterian Church. Naturally they have an axe to grind here.

On the other hand, the following people, names of whom I shall read into the record, objected to the vesting of the church ruin in the Presbyterian Church Negotiators. Those people were: Broad, K.M.; Choate, G.D.; Choate, J.H.; Choate, L.F.; Choate, P.M.; Dulgig, H.S.; Greenlees, Dr Rollo; Fryar, Ms Joanne; Commander Jim McRae of the Millennium Gathering; Terry McRae; Partridge, Ms P.M.; Pethick, M.; Tomatin McRae Association (making two submissions); Dr Stefani Williams (making two submissions); and, the Royal Caledonian Society of South Australia Incorporated, of which I am a life member. The submissions that have been made to me have come from constituents, old school colleagues, colleagues I knew and lived with at Roseworthy and from other people who belong to this list I have just read into the record. They did not come orchestrated one by the other but out of equal concern.

I know that most members in here think me eccentric in that I take interest in some of the most obscure things that need not worry the head of most backbenchers, but if we are to be parliamentarians it is our duty when we make law to each one of us accept responsibility for what we are saying and the actions we are taking and the way in which we vote and not simply cop out by saying that it has been investigated by some or other expert in the party and that that recommendation is to do so and so and that we should therefore go ahead and do that. I do not, never have and never will. So far it has been seen as relevant in the context of every election I have ever contested in the Mallee, for the seat of various names represented by me in this place. I do not think it has done me any harm, so I will continue to do it.

In addition to the names I have just mentioned, written submissions were made by the following members of the McRae clan here in South Australia after the select committee had completed its deliberations: Andrew Nunan, Angela Nunan, John Nunan, Marie Nunan, Robert Nunan and Alison Gibbons. I have had contract with Donald Richardson, who wrote this memo, and other relatives in the group and I am quite sure that, having listened to the way in which the information they gave me was put to me and the terminology they used, that the approaches were not orchestrated. They were sincerely put by a diverse range of individuals who have an interest in the matter and in the property which we as a parliament seem prepared to ignore. Well, so help us. If that is the way we are to treat our own heritage, is it any wonder the indigenous inhabitants of this place or their descendants regard us as unworthy of trust.

I have a profound respect for my forebears, none of whom came from this church at Aldinga or from the descendants of the people who built it. It strikes me, though, that I have felt hurt for instance when a significant pioneer group had their headstones in the Payneham Cemetery trashed and turned into gravel to be put on the paths of the cemetery, because it was nice white marble, or taken and put somewhere else I know not where, without letting me or any of my relatives know when a good number of those people were my forebears. Had I known that they were entitled to do that in law—and I doubt that they were, though I have never contested it in a court—I would have offered (and so would many of my brothers, cousins and second cousins also offered) to buy a further lease on that site for as many years as it is lawful to do so, and I think in the same circumstances this is a sacred site for the Tomatin McRae Association and an open public site that

has been accessible to the public without restriction for well over 150 years and ought to be allowed to continue to be so. To now put a gate on it and lock the gate is against the common law practice and that to my mind is wrong and that is why I will not support the second reading of the bill. I will attempt to amend the relevant clause to vest it in the Onkaparinga council.

The Hon. R.G. KERIN (Deputy Premier): I thank members for their contributions. The member for Kaurna raised the issue of what was the last opinion we heard from the council. We last heard from the City of Onkaparinga when they wrote to advise that it was not in a position to accept vesting of the property. There is no guarantee that the association will exist in two or five years. The council had expressed a concern previously about being lumped with the liabilities in relation to the property. So we have heard nothing more from the council. The select committee did look at the option of vesting in council and did not see that as the best way to go, because the council was not prepared to take the property.

The member for Hammond raised the issue whether the interests of John Tuthill Bagot should be protected. Crown advice confirms that under the statute of uses John Tuthill Bagot acquired no legal interest in the property; rather, he was the conduit through whom the legal estate was conveyed from the transferor to the ultimate transferees.

This was the subject of a select committee and, in relation to the association, the select committee in its report stated:

> . . . strongly encourages the negotiators, once vested with the property and able to deal with it, to endeavour to negotiate an agreement with the...association that may lead to the preservation of the remains of the Free Church located on the Aldinga property.

The negotiators indicated in the course of giving evidence to the select committee that they would be open to negotiation with the association regarding sale of the property to the association. The vesting will enable the property to be sold so the churches can recoup their expenses in relation to the properties and direct their resources into other areas more benefiting the community. Of course, the church has picked up the costs of these properties over a long time. I thank members for their contribution. It is a bill that has created a fair bit of interest among some members, and I thank them for making a contribution to the House.

The House divided on the second reading.

While the division was being held:

The SPEAKER: Order! There being only one vote for the noes, the measure is resolved in the affirmative.

Second reading thus carried.

In committee.

Clause 1.

Progress reported; committee to sit again.

ADJOURNMENT

At 5.58 p.m. the House adjourned until Thursday 27 September at 10.30 a.m.