HOUSE OF ASSEMBLY

Tuesday 4 July 2000

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following bills:

First Home Owner Grant,

Gaming Machines (Miscellaneous) Amendment,

Gas (Miscellaneous) Amendment.

Road Traffic (Red Light Camera Offences) Amendment,

Statutes Amendment (Lotteries and Racing—GST).

GAMING DEVICES

A petition signed by 1 660 residents of South Australia, requesting that the House ban poker machines and internet gambling, was presented by the Hon. J.W. Olsen.

Petition received.

GOLDEN GROVE ROAD UPGRADE

A petition signed by 141 residents of South Australia, requesting that the House urge the government to consult with the local community and consider projected traffic flows when assessing the need to upgrade Golden Grove Road, was presented by Ms Rankine.

Petition received.

POLICE PRESENCE

A petition signed by 18 residents of South Australia, requesting that the House urge the government to establish a police patrol base to service the Tea Tree Gully area, was presented by Ms Rankine.

Petition received.

PROSTITUTION

A petition signed by 47 residents of South Australia, requesting that the House strengthen the law in relation to prostitution and ban prostitution-related advertising, was presented by the Hon. M.H. Armitage.

Petition received.

LIBRARY FUNDING

A petition signed by 1 474 residents of South Australia, requesting that the House ensure that government funding of public libraries is maintained, was presented by the Hon. M.H. Armitage.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 59, 64, 118 and 120.

RADIOACTIVE WASTE

In reply to **Hon. M.D. RANN** (2 May).

The Hon. J.W. OLSEN: The Prime Minister did write a letter to me during February 1998, but the main purpose of this letter was to advise me that the commonwealth government planned to release a discussion paper called 'A Radioactive Waste Repository for Australia: Site Selection Study—Phase 3 Regional Assessment'.

The Prime Minister's letter asked that my Government provide comments to Senator Warwick Parer about the proposed release of the discussion paper and the proposed regional consultation framework. Comments were provided to Senator Parer—supporting genuine public consultation as a critical part of the National Radioactive Waste Repository project.

The Prime Minister's letter also said that the Commonwealth-State Consultative Committee on the Management of Radioactive Waste had recently given conditional support for consideration of co-location of a temporary long-lived intermediate level store with the low level repository as one option.

What I would like to point out is that this Commonwealth-State Consultative Committee, established in 1980 is merely an advisory body—it does not have the power to make decisions on behalf of any government—State or Federal.

The consideration of a lower level nuclear waste repository has been a properly lengthy, complex and consultative process. The Terms of Reference clearly set out that committee members report back to ministers as appropriate.

The SA Government has not been asked to make a decision on co-location and as I said in my Ministerial Statement on 19 November 1999, co-location is not supported in SA.

Indeed the committee itself has recently backed away from the decision to give conditional support to co-location. The original decision made by the Committee to give support for co-location was on the condition that it did not delay the progress of the project for a lower level waste repository.

Late last year the Consultative Committee agreed not to continue support for co-location. This decision was based on the opposition of the South Australian members of the Consultative Committee to co-location and the overall view of the committee that to consider co-location would delay progress on the low level repository.

Recent media releases by Senator Minchin make it quite obvious that commonwealth support for co-location as a preferred option has diminished.

Senator Minchin said, and I quote 'no decision has been made to locate the intermediate waste store in South Australia'. He also added that 'there is no need for the two facilities to be at the same location'.

The commonwealth has also confirmed that they will undertake a nation-wide search for the best site for the store for long-lived intermediate level nuclear waste.

I call upon all members of the SA Parliament to stand together to support the community's strong opposition to a medium or high level nuclear waste facility ever being constructed in this State. The Nuclear Waste Storage Facility (Prohibition) Bill currently being drafted by my Government to achieve this, will be introduced into parliament very soon.

I would expect that, given both Labor and Democrat interest in this important issue, all members will support the government bill to prohibit the storage of all kinds of long-lived medium and high level nuclear waste in South Australia.

PAPERS TABLED

The following papers were laid on the table:

By the Acting Premier (Hon. R.G. Kerin)—

Fees Act—Regulations—Schedule of Fees

By the Minister for Primary Industries and Resources (Hon. R.G. Kerin)—

Regulations under the following Acts—
Petroleum—Register of Licence—Fees
Petroleum (Submerged Lands)—Variation of Fees

By the Minister for Human Services (Hon. Dean Brown)—

Guardianship Board of South Australia—Report, 1998-99
Plan Amendment Report—Horticulture in the Hills Face Zone

South Australian Health Commission Act—Regulations—
Medicare Patients Fees

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Regulations under the following Acts—
Sewerage—Other Charges
Waterworks—Other Charges

By the Minister for Education and Children's Services (Hon. M.R. Buckby)—

Police Superannuation Scheme—Actuarial Report, 30 June 1999
Ministerial Direction to RESI Corporation—Share Transfer to RESI Capital (No. 2) Pty Ltd
Regulations under the following Acts—
Financial Institutions Duty—
Non-dutiable Receipts
Non-dutiable Receipts
First Home Owner Grant—Grants

By the Minister for Environment and Heritage (Hon. I.F. Evans)—

Regulations under the following Acts—
Communities Titles—Fee for Information
Emergency Services Funding—Remissions Land
Strata Titles—Provision of Information
Rules of Court—Magistrates Court (Civil)—Magistrates Court Act—Cost for Claim

By the Minister for Recreation, Sport and Racing (Hon. I.F. Evans)—

South Australian Harness Racing Authority—Report, 1998-99

By the Minister for Water Resources (Hon. M.K. Brindal)—

Water Resources Act—Regulations—Extension of Adopted Policies.

ELECTRICITY, PRIVATISATION

The Hon. R.G. KERIN (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: As members would be aware, last year all parties approved the establishment of the joint committee on the electricity businesses disposal process. The objective of this joint committee was to provide a process for members of the government and opposition to meet confidentially with the Attorney-General to discuss issues relating to the electricity businesses disposal process.

Last week, the Treasurer met opposition members to discuss the proposed legislation and was asked whether he was prepared to convene a meeting of the committee. On behalf of the government he readily agreed and a meeting was established earlier today.

Whilst meetings of this committee are intended to be confidential, it would be fair to say that the Treasurer was very pleased with the productive nature of the discussions that ensued with the Auditor-General. Whilst these meetings are intended to be confidential, the Treasurer was disappointed—but not surprised—to be approached 30 minutes after the meeting by the media, stating that they had been provided with information about the meeting, including that the Auditor-General had recommended a further specific legislative change to the government's legislation.

I am obviously restricted in what I can say, but it would be accurate to say that the Auditor-General did raise the possibility of seeking Crown Law advice on further tightening of the proposed legislation. This possible amendment does not cut across the substance of the legislation, and the government has agreed to seek Crown Law advice on whether or not such an amendment is desirable.

Members will also now be aware that late last week representatives of the two major businesses involved (CKI/Hong Kong Electric and AGL) have now issued public statements broadly endorsing the government's description of what bidders were told and of the government's proposed legislation. This now means that all three parties involved in these major transactions relating to the disposal of ETSA Utilities and ETSA Power have now agreed on a proposed course of action.

As a result of the joint committee having now met, it is the government's intention to proceed with the legislation this week in the Legislative Council and next week in the House of Assembly.

NAIDOC

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: Since 1975 the National Aboriginal and Islanders' Day Observance Committee (known as NAIDOC) has annually been celebrating a week long celebration, beginning on the first Sunday in July, to promote an understanding of Aboriginal and Torres Strait Islander culture and history. The theme for NAIDOC Week 2000 is 'Building pride in our communities'. NAIDOC Week has come to mean a great deal to all Australians. It is a time when we can outwardly demonstrate our commitment to becoming a more tolerant, harmonious and successful nation made up of many different and yet united peoples. Such a nation is one that we can, indeed, be proud of.

NAIDOC Week celebrations continue to give Aboriginal people the opportunity to display the richness of their culture and heritage to the wider Australian community. For over 20 years now, NAIDOC celebrations have promoted an understanding of Aboriginal and Torres Strait Islander culture and history. Celebrations throughout Australia continue to highlight and express pride in the survival of Aboriginal people and their culture and acknowledge the contributions that indigenous people and their history have made to the evolution of our nation. This government is committed to the promotion of greater understanding and reconciliation between Aboriginal and non-Aboriginal people.

By recognising the talents and skills of Aboriginal people, by demonstrating their success and by understanding and appreciating the rich and unique culture and traditions they enjoy, the South Australian government is helping the move to a greater self-determination for all Aboriginal people and their communities. To this end, there are many broad and diverse strategies that are undertaken under the flags of health, education, community wellbeing, economic development, essential services provision, policy advice and heritage conservation. We all have a responsibility to effect positive change and to bring about reconciliation. We all have a duty to care about how our nation functions and how the people within it interact, and to try to foster harmonious relations between all people.

This year's NAIDOC Week national focus will be on Townsville, where the national NAIDOC awards will be presented to highlight the individual achievements of Aboriginal and Torres Strait Islander people. Here in South Australia we will celebrate NAIDOC Week with a number

of activities, including several flag-raising ceremonies, a reconciliation dinner, a range of youth activities, an elders' lunch, the NAIDOC ball and parades, all to highlight the significant contribution that Aboriginal people have made to our state. I also have the pleasure of sponsoring two NAIDOC in the North community awards, which will be presented at a family fun day at Kaurna Plains School, Elizabeth, this Sunday.

I would like to take this opportunity to commend the state NAIDOC Week committee and local committees for all their hard work in establishing this week's events and celebrations. Throughout the week there is a multitude of ways in which we can all join with our fellow South Australians in the many activities and events which have been planned for this year's NAIDOC celebrations, and I encourage all South Australians to join with our Aboriginal communities to celebrate NAIDOC Week.

QUESTION TIME

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Acting Premier. Were the consultants responsible for the errors in the electricity privatisation paid any or all of their success fees after the discovery by the Independent Regulator of those errors that have been identified? The Treasurer has told parliament that he was informed in April of the mistakes made by the consultants.

The Hon. R.G. KERIN (Deputy Premier): Obviously, this matter already has been addressed by the Treasurer, who has identified that there are many contractual issues. There is also the matter of who made the mistake and identifying where the mistake lies. But, indeed, the Treasurer has undertaken that he will do the work to try to determine who is responsible and take the appropriate action.

AUSTRALIAN EDUCATION UNION

Mr SCALZI (Hartley): Can the Minister for Education and Children's Services—

An honourable member interjecting:

The SPEAKER: Order!

Mr SCALZI: —advise the House whether he has yet sighted a list of education demands recently circulated by officials of the education union?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): Last week, as the House is well aware, school communities right across South Australia celebrated Public Education Week. It was an event that gave schools, teachers, students and parents the opportunity to show the quality education programs that are occurring in our South Australian schools.

The AEU claimed to be part of that celebration but, by the end of the week, its executive had again disappointed this state's teachers, parents and students. Union leaders just could not help themselves and quickly reverted to their all too familiar rhetoric in putting down public education. The AEU President has become the best representative—the best salesperson—for private schools that they could have ever hoped for. On one hand, we have the President of the Australian Education Union (the national body), Denis Fitzgerald, recently saying to the Melbourne *Age*, 'We have, without doubt, the best public education system in the world', while, on the other hand, all we hear from the local branch president, who is incapable of saying anything other than baseless, are negative put-downs of our public schools.

The latest handout from the AEU executive contains the usual array of misinformation and half truths. To say the least, it is inaccurate, but at least it is predictable—we know what always comes from the union. Indeed, the public continues to be subjected to empty rhetoric and the all too familiar and easy option from the union that the Government refuses to provide the money—that is, the money to meet its extravagant demands. As I have often said, I would love nothing better than to have a money tree at my disposal so that I could meet the needs of education. All education ministers would love that, but governments must operate in a real world. We cannot play monopoly like members opposite can.

The AEU claims that school buildings and grounds have deteriorated dramatically. This is complete nonsense. This government has spent nearly $500 million on maintenance and repairs since taking on the run-down and dilapidated school buildings left by the Labor Government in 1993—that is, nearly $500 million spent in seven years on maintenance and repairs of our school buildings. The union claims that real opportunities for employment are needed. This government already has in place a number of strategies and excellent job skill initiatives for our young people. Let us look at Windsor Gardens Vocational College, whose enrolments have increased from 400 to 600 in two years as a result of the vocational education and training programs and linkages with industry that we are offering through that school.

Look at the vocational education and training opportunities being undertaken by young people in our schools. In 1997, while some 2 000 young people undertook vocational education and training, this year 18 000 students are doing so. Look at the VET school initiatives between TAFE and our schools and the linkages being developed between TAFE in the supply of those services and guidance of our young people into possible careers, those students having gained those qualifications while still at school.

The union claims that South Australian teachers are the lowest paid, but the government had laid a 13 per cent generous pay offer on the table. The AEU further claims that rural areas had suffered in many ways. More nonsense! The fact is that country schools have 27 per cent of our school enrolments, yet 32 per cent of the state education budget is spent in country schools. We spend over $5 600 per rural student compared to $4 400 per metropolitan student. In country South Australia the government is fast closing the gap on educational limitations. We are closing the tyranny of distance by providing school internet access, the Open Access College and wider access to transport. I agree that there is more to be done, there is no doubt about that, but this government is moving in the right direction. The AEU demands a better deal for public education.

I wholeheartedly agree that the public deserves a better deal, but our public school teachers, parents and students deserve better treatment and service than they currently get from their local union operators—and not the disappointing heavy political slant that the AEU President was recently and strongly criticised for using by the Millicent Mayor, Mr Donald Ferguson.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is directed to the Deputy Premier in his capacity as Acting Premier. Given that

the Treasurer was made aware of the mistakes made by the consultants in devising the electricity pricing order during April, why did the Treasurer fail to inform his cabinet colleagues of the mistake and that the mistake could have an adverse impact upon the sale price received for Electranet when cabinet discussed the Electranet sale in April?

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: The Treasurer told Parliament on 29 June that he knew about the errors in the electricity pricing order in April. Cabinet was first—

Members interjecting:

The SPEAKER: Order, the member for Stuart!

Mr FOLEY: —informed of the electricity pricing order mistakes a week ago, on Monday 26 June.

The Hon. R.G. KERIN (Deputy Premier): I thank the member for Hart for a rather predictable question. As far as the Treasurer and his actions go, he has well and truly explained them. However, there are a couple of points there. In his normal style, the Treasurer set about fixing the problem, which I would have thought was an important thing to do.

The member for Hart referred to the Electranet sale process. The Treasurer has made it clear that the process was not set in train as far as been triggered for the action part until after the problem had been found and sorted out and an agreement had been reached with the parties. So, that was not a problem.

One thing that has got right out of control with this matter is the perception that was run in the first day that this issue was out there—the fact that this had cost the taxpayers of South Australia a couple of hundred million dollars—

Members interjecting:

The SPEAKER: Order, the member for Hart!

The Hon. R.G. KERIN: —which we know is absolutely incorrect.

Members interjecting:

The SPEAKER: Order, the Leader!

The Hon. R.G. KERIN: This issue has absolutely been blown out of all proportion beyond where it was. It was a serious problem that needed to be fixed, but the taxpayers of South Australia need to understand that they were not at risk and were not being done out of a lot money. The perception, which has been deliberately established, that this has cost the taxpayers of South Australia a lot of money, is not correct, and that needs to be fixed.

Members interjecting:

The SPEAKER: Order! The Deputy Premier has the call.

The Hon. R.G. KERIN: I was told last Monday morning.

Members interjecting:

The Hon. R.G. KERIN: That's never been hidden at all. As far as the member for Hart goes, the Treasurer has put down the process of why he has done things the way he has. He has also explained the Electranet process, and that has not been put at risk.

LE MANS RACE

Mr HAMILTON-SMITH (Waite): Will the Minister for Tourism announce details regarding a major sponsor for the Le Mans sports car race? I read with interest in the newspaper this morning that a major sponsor had been identified, and I think it would be worth hearing the details.

The Hon. J. HALL (Minister for Tourism): I am absolutely positive that the House will be delighted to know that one of today's major announcements was that Coopers Brewery will be the official beer supplier for the race of a thousand years.

Mr ATKINSON: I rise on a point of order, Mr Speaker. It is out of order to ask ministers to comment on the veracity of newspaper reports. Therefore, sir, I invite you to rule the question out of order.

Members interjecting:

The SPEAKER: Order! The chair listened very carefully to the explanation, and the chair is also very much aware that one cannot question the accuracy of reports in the newspaper. I do not believe the honourable member did that, and that will be apparent to the honourable member if he goes back to the *Hansard* and reflects on the last sentence of his explanation.

The Hon. J. HALL: I am sure that the House will be interested to know that Coopers has taken out a very major sponsorship and is now the official beer supplier. One of the things Mr Glen Cooper announced at the event this morning was that it would be with great delight that the Coopers team sold more than a million cans in Victoria and brought the profits back to South Australia. There was a great cheer from those there because Coopers has been consistently an incredibly good supporter of major events in this state over many years. It was pointed out that Coopers was the first official beer supplier for Formula One Grand Prix in 1985 and held that sponsorship for 10 years. The company is absolutely delighted, having won it, and it is looking forward to doing good things for South Australia as well as for the race.

One of the other aspects of this morning's announcement was that Network 10 has also been announced as the official broadcaster for the event and Qantas has been announced as the official airline for the event. Network 10 was the official broadcaster for the Clipsal 500 and it will be working in conjunction with NBC, which is telecasting six hours live in the cold bleak weather of the northern hemisphere while we are enjoying hot balmy weather in South Australia. That is being televised to more than 20 million homes in America and the estimate for Euro Sport is more than 200 million homes across Europe. We are hoping that with these major sponsors South Australia gets some great pictures of our warm blue skies, beaches and all the tourism destinations into the cold bleak environment of the northern hemisphere winter.

I also stated this morning that this race is estimated to bring to South Australia 15 000 visitor nights from international visitors and the early estimates are that the economic impact on our state will be in excess of $30 million. It is great that a South Australian company has taken out such a major sponsorship and, for those who are interested, tickets are still available although the corporate sponsorships are now more than 73 per cent taken up. We are looking forward to more South Australian involvement as we get closer. The tickets are selling well for this event.

I believe that the race of 1 000 years will be a truly significant international event and it will put Adelaide back on the map of international racing. It is very important for us because the reputation we have in this state and city for staging events such as that was a reputation started in the mid-1980s when Formula One came here. I know that all South Australians will be very pleased and very proud of the event we stage here.

ELECTRICITY, PRICE

Mr FOLEY (Hart): Will the Deputy Premier confirm that the government is in a serious dispute with AGL over another issue involving the price at which AGL buys its electricity from South Australian generators? Has the ACCC been asked to intervene and what are the legal and financial implications to government? The opposition has obtained a copy of a submission by AGL—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: The opposition has obtained a copy of a submission by AGL to the Australian Competition and Consumer Commission, outlining serious problems with the way in which the government has structured its electricity vesting contracts.

Members interjecting:

Mr FOLEY: Well, I've got it—that's not a problem; it is circulating as we speak.

The SPEAKER: Order!

Mr FOLEY: The submission argues that the government has not delivered the certainty expected by AGL on the price it would pay for electricity and that there will be 'commercial and legal consequences'. AGL in its submission warns that, unless substantial changes are made to these contracts, it could result in losses to the company and that the South Australian community could bear the costs of this uncertainty.

The Hon. R.G. KERIN (Deputy Premier): There are always a lot of commercial negotiations involved with these matters, but I am not aware of the document to which the honourable member refers.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart has asked his question and should remain silent.

ANTI-SMOKING CAMPAIGNS

Mr WILLIAMS (MacKillop): Can the Minister for Human Services give the House any figures comparing tobacco usage in South Australia with that in other states, and can he indicate whether there is any emerging evidence to show that successive anti-smoking campaigns are working?

The Hon. DEAN BROWN (Minister for Human Services): I was very interested in the ABS figures released last week which show the comparison between various states of Australia on household consumption of tobacco products. When one looked at the comparison, one saw that South Australia in fact had the lowest figures per household per week of any state in Australia: $8.94 per household per week on average in South Australia compared with, for instance, $11.67 in Perth and $17.16 in Darwin.

There has been a range of programs over a number of years in this State including Living Health and the Quit program; we have had the banning of smoking in a range of sports stadiums and venues and arts venues; we have the Anti-Tobacco Task Force which I set up; we have the banning of smoking in restaurants and food areas; and we have a number of other measures, all of which have come together to show that, clearly, the program is starting to work. I think this state can be proud of the fact that we have the lowest tobacco consumption per household of any of the states and territories in Australia.

An honourable member interjecting:

The Hon. DEAN BROWN: No; this state has had a long strategy which goes back at least 10 years, and I want to acknowledge the dozens of South Australians who have made a very strong personal commitment to ensuring that we achieve this result. The Anti-Cancer Foundation, the Heart Foundation, Quit and many others have worked tirelessly for years in trying to reduce the incidence of smoking in this state, and the figures are showing that we may be more successful than the other states of Australia.

We should not rest on our laurels. Our objective is to reduce smoking by another 20 per cent over five years. The Anti-Tobacco Task Force is working on it; and we are about to launch a campaign highlighting the dangers of passive smoking to young children, particularly in confined areas such as the car and the house. We will continue the strategy. Today, again, I acknowledge the work of those who have succeeded in the past.

ELECTRICITY, VESTING CONTRACTS

Mr FOLEY (Hart): My question is directed to the Deputy Premier. Has cabinet been advised of the serious dispute between AGL and the state government over electricity vesting contracts; has it been advised of the commercial and legal consequences flowing from this action by AGL; and, if cabinet has not been advised, why not?

The Hon. R.G. KERIN (Deputy Premier): The member for Hart assumes there is a problem. We have heard the member for Hart talk in this place before about problems that do not exist.

Mr Foley interjecting:

The Hon. R.G. KERIN: I am not aware of it.

Mr Foley interjecting:

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

The Hon. R.G. KERIN: The member for Hart very deliberately tries to run the line that there has been a mistake.

Mr Foley: There's a dispute.

The Hon. R.G. KERIN: A dispute?

Members interjecting:

The Hon. R.G. KERIN: There may well be. Once again, as he did last week, the member for Hart tries to make a mountain out of something that is not quite that big. I am not aware of the problem. I am not aware of cabinet being been told, but I missed the cabinet meeting the week before last, so I am not too sure what was brought up that day.

An honourable member: Did you get the cabinet submission?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I warn the member for Hart for interjecting after he has been called to order.

The Hon. R.G. KERIN: The member for Hart is very good at trying to build up issues out anything he can lay his hands on. How many times have we seen the leaked document? Last week ad nauseam, and not always when he had the call of the Speaker, we heard the member for Hart constantly say how simple a mistake was made with the AGL contract. That totally ignored the complexity of the problem that existed. He now says that the Treasurer should have picked it up. I am not too sure how the Treasurer was supposed to pick it up when the lawyers and accountants working for the companies involved would also not pick it up.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I call the leader to order.

The Hon. M.D. Rann: $50 million—

The SPEAKER: Order! I warn the leader.

The Hon. R.G. KERIN: The big difference, and one of the reasons why they are over on that side of the chamber and we are on this side is that this government, and in this case the Treasurer, went about fixing the problem; he did not sit on his hands. What happened with the Labor Party? When much more serious problems than this were pointed out to them before 1993, involving the State Bank, how much was the taxpayer or parliament told? Those members sat on their hands and lost this state not hundreds of millions but billions of dollars, and did nothing. The same occurred with Marineland and the Remm Myer centre. The contrast here is that the Treasurer found a problem, went about solving it, and brought the solution to cabinet and parliament.

AQUACULTURE

Mrs PENFOLD (Flinders): Will the Deputy Premier outline to the House how the government's policies have assisted in the rapid development of the aquaculture industry and the considerable benefits it is bringing to regional areas of the state?

The Hon. R.G. KERIN (Deputy Premier): I thank the member for Flinders for the question and welcome it. There is no doubt that the importance of aquaculture in Australia has grown enormously in the past few years, and there have been quite a few reasons for that. What was perhaps seen as a minor industry has come from a very low base in the early to mid-1990s and now makes South Australia the leading state in Australia in terms of that enterprise. What is important in aquaculture is where it is based because, as the member for Flinders would realise, the biggest benefits we have seen from aquaculture have been on Eyre Peninsula. We also have considerable development in Yorke Peninsula, and the South-East is an area that shows enormous potential. Additionally, Kangaroo Island and many inland areas are doing well with fresh water aquaculture.

The range of products coming out of the aquaculture has increased markedly over time. While tuna has been dominant, it has been well and truly backed up by oysters, abalone, king fish, barramundi and a whole range of other products. That is the result of much effort, including management plans and focused industry development strategies.

Also, the member for Flinders would be well aware that an excellent group of pioneers within this industry have put up their own dollars and created this exciting industry. That has been backed up with not only some management planning but also some excellent science. SARDI has been very focused and has done much of the base research in getting us to be able to increase the number of species involved.

Earlier this year we signed an agreement with Fundacion Chile, which is a major aquaculture operator in Chile and which will be sharing a lot of their intellectual property with us. The important thing is that over the past two years we have doubled the number of jobs. There has been an enormous flow-on from this and they can identify over 2 000 people who have been employed because of aquaculture. Once again, that is very important because they are regional jobs and add a lot of strength to regional economies. The 1998-99 production figure of $181 million has provided an economic impact in those regional areas of $336 million, which is absolutely vital. That will keep on rising. The international demand for this product is enormous and it is a matter of our making sure that we have sustainable production. As members would be aware, we are working on an aquaculture act. Doing it under the old act leaves some uncertainty and we need to tidy that up. We need to give investors certainty to go into what is still—although developed—a bit of a greenfields industry. We need investment and we need certainty. I believe we can look forward with great excitement to what aquaculture can do for South Australia during the next 10 to 20 years.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is also directed to the Acting Premier—it is good to see him in that role. Were any mistakes discovered in the ETSA sale process prior to that discovered in March-April, which have caused the need for urgent legislation amending the electricity pricing order between Hong Kong Electric and AGL, other than those that have been revealed already?

The Hon. R.G. KERIN (Deputy Premier): The leader's question might be a little bit leading in itself. As far as any mistakes, I can honestly say I am not aware of any significant problems at all. With a process as complex as this, I cannot rule out that there were any small ones. As far as I am aware, there were no significant problems.

FIRE SAFETY

Mr CONDOUS (Colton): Will the Minister for Police, Correctional Services and Emergency Services advise what safety precautions are in place to assist in the prevention of fires in boarding houses and backpacker hostels?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): As my colleague alongside me said, this is an important question. It is not necessary to discuss specifically the sad tragedy of the Childers backpacker disaster in Brisbane—that has been adequately covered in the media. As a result of any situation like that, it is important that we analyse and see where we are up to in South Australia with respect to our checks and safeguards when it comes to all emergency services, and we do that right across the board. The gas pipeline problem that occurred in Victoria was analysed through the State Disaster Management Centre to ensure that if we have a situation like that occurring in South Australia we would have an alternative gas supply and have programs in place—as well as one can—to eliminate tragedy. This is particularly the case with respect to hostel and backpacker accommodation, hotels, motels and any commercial facilities. The Metropolitan Fire Service has a fire safety department. The fire safety department is a combination of MFS and CFS officers who are legislatively required to look at plans and applications for buildings, both commercial and domestic. They work closely with councils, engineers, surveyors and fire protection consultants.

In relation to backpacker hostels, the fire safety department works very proactively with council building fire safety committees and, on a regular basis, inspects those buildings to check fire safety issues such as smoke alarms, sprinkler systems in the larger commercial ventures, etc. The act clearly states that the Metropolitan Fire Service has the legislative responsibility with respect to checking fire safety in buildings—as I highlighted in the media recently.

Sufficient exit signs and smoke alarms are fundamental in ensuring that once a fire occurs every possible detection

procedure is put in place. This is not only important in commercial premises but one only has to listen to the radio at 6 a.m. week in week out to hear about this. Bill Dwyer is reported as saying that this particular property was burnt down because there were no smoke alarms or that people only escaped because smoke alarms were fitted but they were battery fitted and for some reason people chose to take the battery out of the smoke alarm. It is nonsensical to think that if there is a smoke alarm in a commercial or private dwelling that one does not check to ensure that it is working. As we know, the legislative requirements were put in place approximately 12 months ago to ensure that smoke alarms were installed in all new residential buildings and other buildings throughout South Australia.

I also want to reinforce the fact that for the commercial sector there is clearly nothing more important with respect to accommodation premises than ensuring the wellbeing of the people occupying those premises. I call on industry and tourism operators, bed and breakfast operators and large hotel syndicates, as well as hostel and backpacker accommodation proprietors, to be vigilant in making sure that every precaution is in place when it comes to smoke detection. Of course, that also applies in respect of the night duty managers and the like, who should ensure that they are well aware of the procedures for evacuation and that in each room available for occupation there is clear information which can be easily read and which will ensure that people staying in that accommodation well and truly know how to vacate the premises.

As I said, the tragedy at Childers was an enormous one which went to the heart of all Australians. We must learn from this terrible event and try to ensure that it is never repeated. Therefore, I call on all South Australians to be very vigilant in checking their properties when it comes to fire safety. Also, whether it is a commercial, backpacker or residential property, it is not a big expense to put a fire blanket in the kitchen: fire blankets, like smoke alarms, can certainly stop a lot of damage and save lives.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is again directed to the Deputy Premier. Why has the government reduced the time for the preparation of bids for ElectraNet, given the errors made so far in the ETSA sale process, and what guarantees exist that a much shorter bidding process will not lead to more mistakes in the ETSA sale process?

The Hon. R.G. KERIN (Deputy Premier): I think that that question almost borders on the hypothetical: it assumes that there are mistakes made. The process of the sale of the electricity assets has been ongoing for some time now. Obviously, there was a lesson to be learnt out of the earlier one and, no doubt, that has helped us to put things in place. However, I do not see any problem with the time lines to which the member refers.

ABORIGINAL PHOTOGRAPHIC COLLECTION

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister for Aboriginal Affairs. Can the minister provide the House with details of the significance of the digitisation of the photographic collection held in the Division of State Aboriginal Affairs, and will she explain how wider accessibility of the resource will benefit the community generally?

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I thank the honourable member for his question, because I do believe that this is a tremendous project, and it is one that may have the potential to have a national spin-off. So, I am very pleased to be able to talk about this program. The Division of State Aboriginal Affairs is the custodian of some 8 000 photographs that have historical, and certainly educational, significance not only for Aboriginal people but also for people right across the state, and certainly internationally. Many of these photographs are currently being held in catalogues, and I am sure that members of the House will understand that the soft copies of many of these articles that have been available in these catalogues for many years are subject to deterioration. It should be understood that the primary objective of digitising the photographs held by the Division of State Aboriginal Affairs is to protect and preserve the images for current and future generations.

The photographs, as I have said, are currently held in catalogues and certainly will be, over time, subject to deterioration through general handling and reproduction. Members also will appreciate the fact that it is very important to use the latest technology to permanently preserve the valuable resource of Aboriginal photographic material in South Australia. Photographs, together with newspaper clippings and other material, provide a unique educational opportunity to visibly illustrate over 100 years of Aboriginal history in South Australia.

It is understood that the majority of the 8 000 photographs are from private collections which were donated to the Division of State Aboriginal Affairs and which are listed as unrestricted for use. The photographs that are restricted will have only basic catalogue information available for public access without the photographic images. Restricted photographs mainly have regard to ceremonial aspects, and therefore the permission of donors would be required before those photographs could be publicly released. The digital library process enables Aboriginal people and other parties to be able to donate to this collection and have control over the way in which the rest of the world views the history of Aboriginal people in South Australia.

In respect of consultation, I am advised that Mr Garnet Wilson who, most members would know, is the Chairman of the State Aboriginal Heritage Committee, has been briefed on the moves towards this project and the means by which it will occur. Mr Wilson supports the concept of the proposal. Extensive consultation has occurred with Aboriginal communities, and still consultation is to take place. Consultation with other organisations will also occur once the information packages are developed and become available. This means that, as we go through the process of developing the concept into a database information situation, each of the sets of information will be taken to Aboriginal communities to ensure that there is no possible sensitivity about the nature of what will be regarded as being available on a digitised base.

The project is still at the development stage but, certainly, there has been widespread Aboriginal and non-Aboriginal interest in it which potentially has enormous historical value. Of course, the Division of State Aboriginal Affairs, as project manager, will ensure that all cultural sensitivities are addressed and that appropriate consultation with Aboriginal communities takes place.

It is considered that the project should be viewed in a very positive way from the basis of preservation, protection and historical and educational viewpoints. The concept will be unique and has potential, as I mentioned earlier, for develop-

ment on a national level. Certainly, interest has been created by the mere fact of our announcement of the means by which we are moving to develop this base.

It has been suggested that perhaps we should possibly be taking the development further and looking at a national repository for all Aboriginal historical material which is held around this country and which has not been transferred to a process such as South Australia is developing. The opportunity to create that national database of the visual history of Aboriginal Australia certainly appears to be a possible flow-on of the work undertaken by the South Australian government to protect this collection of photographs and the associated material dealing with Aboriginal history in South Australia.

I am pleased to be able to say that this project is progressing very nicely. I trust that, within the next couple of months, the first information packages will be available for viewing not only by the Aboriginal communities but also by the public of South Australia and members in this chamber to enable them to assess the uniqueness and, certainly, the value of putting this whole historical collection onto a database that can be accessed not only by Aboriginal communities but by all people.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is directed to the Deputy Premier. Given that the warnings of the Auditor-General last November about the dangers of rushing the ETSA sale process appear now to have been confirmed, will the government ensure that it consults fully with the Auditor-General and receives his advice before making any further changes to ETSA legislation or the electricity pricing audit?

The Hon. R.G. KERIN (Deputy Premier): As I said in my ministerial statement, the Auditor-General is in the loop. The more fundamental issue here—

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart has asked his question.

The Hon. R.G. KERIN: The member for Hart also assumes that the mistake was made as a result of the time frames, and that is not necessarily the case. The honourable member is making a hypothetical assumption. Okay, a mistake was made somewhere within the consultancies. You could not expect a Treasurer to personally pick that up; that is obvious despite how clear and simple the member for Hart tried to make the problem last week. The fact that that mistake was not picked up by the lawyers and accountants working for the companies indicates how complex it was. To assume that this could have been avoided by heeding any warning about the time lines is purely hypothetical and, I would suggest, wrong.

MINERAL EXPLORATION

Mr VENNING (Schubert): Will the Minister for Minerals and Energy provide to the House an update on heavy mineral sands exploration and development in the Murray basin in South Australia?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for Schubert for his ongoing interest in the expansion of our mineral sector. He still distinguishes himself as a champion of the industry in this chamber. As the member for Schubert would be aware, the Murray basin is the focus of intense exploration activity for heavy mineral sands.

Members interjecting:

The Hon. W.A. MATTHEW: The member for Hart always has to talk. He has been given plenty of opportunity to ask his question.

The SPEAKER: Order! I ask the minister to ignore interjections; they are out of order.

The Hon. W.A. MATTHEW: Thank you for your protection, sir. A large proportion of the Murray basin is covered by exploration licences and, indeed, licence applications, and during 1999 I am pleased to advise the House that some $2 million was spent on mineral exploration of this important area. The discoveries that have been made within the region to date are effectively on beach strandline deposits which were formed by wave action millions of years ago in what is known as an ancient ocean environment. These are similar to deposits mined on the east and west coasts of Australia. Murray Basin Minerals, which is the most active and successful exploration company in this region, has reported significant results in the Mercunda, Mindarie, Jezabeel, Champagne and Long Tan prospects about 120 kilometres east of Adelaide.

To date, drilling identified a resource base for the Mindarie and Mercunda project areas of some $16.6 million at 3.1 per cent heavy minerals. I recently had the opportunity to meet the company, and it has advised me that, at 3.1 per cent, this is, indeed, a very prospective resource. The company has formed a development committee to establish the economic engineering and mineral processing studies, and a feasibility study is expected to be completed under the direction of the company later this year.

I am advised by the company and by geologists who have examined the area that there is a significant potential in the state for the minerals sands industry, and as a government we are delighted to have the opportunity to continue to facilitate development of this area to ensure that we have appropriate economic development opportunities. Toward the end of this year, I look forward to being able to bring back to the House information that has been gained through the company's feasibility study as to the full prospectivity of the area and the results that we expect it will yield.

REVITT KITCHENS

Ms KEY (Hanson): Has the government sought any support from the federal government's employment entitlement support scheme for the 60 workers who were sacked from Revitt Kitchens in January this year? To what extent will the South Australian government contribute to these workers' as yet unpaid entitlements? I understand that, as well as the Premier and Minister Lawson, the opposition has received correspondence from Mr Dave Kirner from the Construction, Forestry and Mining Employees Union questioning whether the state government will match the federal government's $10 000 grant to retrenched workers in lieu of their receiving their entitlements from their employer.

The Hon. R.G. KERIN (Deputy Premier): I refer the honourable member to an answer the Premier gave last week in relation to this matter rather than re-explain our attitude to the way the federal government went—

An honourable member interjecting:

The Hon. R.G. KERIN: I know it is a different company, but it is exactly the same issue. Obviously, Minister Lawson

in the other House is the responsible minister. As the honourable member would know, the proposition put forward by the federal government was not well taken up by the states.

RURAL YOUTH

Mr WILLIAMS (MacKillop): Will the Minister for Youth outline how the government is assisting young people in rural South Australia to increase participation in their local communities?

The Hon. M.K. BRINDAL (Minister for Youth): I wonder from the reaction of the opposition what value they put on youth in this state. We get from members opposite precious few questions on youth. The member for MacKillop has an absolute interest in this matter in his electorate and generally and asks the question, but all we hear is guffaws from members opposite.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: The member for Hart reminds me of the boy who cried 'Wolf'. That is all we have heard today: 'Wolf, wolf, wolf, wolf'—every single question. The government understands the issues faced by young people and the compounding factors they often experience.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: If the member for Hart is not interested in youth, we on this side of the House are. He has had his turn; let him ask his question in turn and let me answer the question I have been asked to answer. The government has demonstrated its commitment to this goal by actively encouraging the empowerment of young people in regional areas through increased employment opportunities and hands-on participation, as well as celebrating and highlighting their achievements. As an example of this, regional and country councils were active participants in the events of Youth Week, which I know that at least three of my predecessors have actively encouraged, supported and developed. Feedback from councils like the Barossa and the South-East Local Government Association, the Mid-Murray—

Mr Venning interjecting:

The Hon. M.K. BRINDAL: The member for Schubert well knows that I referred to his electorate. Feedback from those bodies I have mentioned, to a name a few, which have received grants has indicated that young people's participation in these activities was extremely positive, and young people highlighted themselves a real sense of ownership. More importantly, the new initiatives grants specifically target young people from rural and isolated South Australia. I recently allocated grants totalling $150 000 over two years—perhaps the shadow minister might like to hear the grants that have been on offer (perhaps she might not—she is ignoring it)—to organisations in rural areas for innovative activities and initiatives for young people, many of which grants further enable their active participation in the community.

Port Pirie Central Mission has been given $5 000 for creating and installing murals of various celebratory themes in the Port Pirie district. The Wakefield Regional Health Service has been given $20 000. Young people will produce a compact disk of local musicians with the theme 'Living in rural South Australia', and we believe that that is a very innovative program. Broughton 2020 Vision will be given $20 000 to provide activities to allow young people to gain experience in recreational sailing, power boat handling and maintenance. The District Council of Le Hunte will get $20 000 to develop a local hall of fame to recognise the achievements and contributions of young people—a regular feature—

Members interjecting:

The Hon. M.K. BRINDAL: I doubt that I will be in it, but I am quite certain that no members opposite will be in it either. The local hall of fame to which I have referred will recognise the achievements and contributions of young people. That grant is also intended to provide a regular feature in the local newsletter and to operate an unlicensed youth area in the existing Wudinna Community Club. The Tumby Bay Area School will get $10 000 for the development of a skateboard ramp and a green recreational park in Tumby Bay.

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: The member for Ross Smith interjects that I do not do myself any good. That is the pot calling the kettle black. The City of Port Augusta will publish with $10 000 a fortnightly youth street press and a website. The Oodnadatta Progress Association with $10 000 will develop two all-purpose basketball courts for young people to participate in tennis, basketball, netball and outdoor sports. The Marree Progress Association will get $10 000 for a youth designed recreational program. I think the member for Stuart has done particularly well, from my reading.

The South Australian police will, in fact, get $5 000 to develop a youth centre for young people in the Mount Pleasant district, for which the police are to be congratulated; the Gawler Youth Workers Network will get $20 000 to deliver vocational enterprising activities from Gawler House; and the Assistive Technology Service will get $20 000 to establish a web site for rural young people who are dealing with the hearing impaired. I could go on for another eight minutes or so, but I will not detain the House.

Members interjecting:

The Hon. M.K. BRINDAL: Well, if the member insists—

An honourable member interjecting:

The Hon. M.K. BRINDAL: No.

FLINDERS MEDICAL CENTRE

Mr HANNA (Mitchell): What is the Minister for Human Services doing to ensure that public patients who are admitted for surgery in public hospitals are properly cared for by private hospital staff when these public patients wake up in private hospitals? A constituent of mine recently went into Flinders Medical Centre for day surgery. From her public hospital ward, she was wheeled into the adjacent private hospital where the surgery was performed, and she was then left there. After being refused attention from the private hospital staff, the patient had to insist on being taken to her FMC ward, whereupon a public hospital nurse was summoned to retrieve the patient from the private hospital.

The Hon. DEAN BROWN (Minister for Human Services): First, I invite the honourable member to confidentially give me the name of the patient. With that patient's agreement, I can then look at the circumstances. Surely the honourable member knows (because his electorate covers the Flinders Medical Centre area) that there is a joint agreement between the public hospital and the private hospital for a whole range of specialist services, about which I have talked in this House, where patients go into the private hospital as part of their treatment in the public hospital system. It is paid

for by the public hospital system. In other words, it is free of charge. I am happy to look at the particular circumstances. I am happy to follow it through if the honourable member will give me the name of the patient, but I highlight the fact that it is no secret that this has been a joint agreement between the public and private hospitals at Flinders. It has been announced; it is in operation; and, in fact, it means that we are sharing some world-class facilities. I have seen those facilities, and I invite the honourable member to come down to look at them. In fact, I would be surprised if he was not invited to the opening of the private hospital when the whole thing was shown. They are superb facilities. These public patients, who otherwise would be limited to the public hospital, in fact are able to access all the latest technology, particularly in the angiography laboratory in the private hospital, which is one of the best in the southern hemisphere, and to do so as a public hospital patient.

ABORIGINAL RECONCILIATION

The Hon. R.B. SUCH (Fisher): I ask the Minister for Aboriginal Affairs to indicate what progress has been made in implementing reconciliation strategies.

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I thank the honourable member for his important question. The government is taking many initiatives to respond to the strategy documents produced by the Council for Aboriginal Reconciliation. To address economic disadvantage, the government is supporting Aboriginal communities throughout the state in developing a range of economically viable partnerships and business enterprises, to create employment and to increase the prosperity of Aboriginal people. To heal the wounds of the past, the government provides support to community-based reconciliation groups; and, in particular, the Government was very pleased to assist with the Walk for Reconciliation that was held in Adelaide on Monday, 12 June 2000.

To ensure that all South Australians had the opportunity to participate in what was a very important event, the government sponsored some half page advertisements in both the *Advertiser* and the *Sunday Mail* encouraging South Australians to participate in the walk, and certainly this was communicated to all councils and, indeed, to other organisations right across the state. Most people will know now that an estimated 50 000 supporters took part in that walk, which was a truly magnificent result; and it is with much pride that I joined with my fellow South Australians, both Aboriginal and non-Aboriginal, as we walked from Adelaide Oval across the King William Street bridge to Elder Park.

State Council for Reconciliation Co-Chair, Shirley Peisley, who was appointed a member of the Order of Australia in this year's Queen's Birthday Honours for service to indigenous communities, said that the walk was a clear sign that South Australians were ready to put the principles of reconciliation into practice. This government is taking action through the various departments and agencies to ensure that the principles of reconciliation are indeed put into practice. The Department of Human Services has implemented a number of reconciliation strategies, which include a departmental statement of reconciliation and the placement of improved health and well-being of Aboriginal people as a priority across that portfolio. The Department of Primary Industries and Resources has also provided assistance to promote increased Aboriginal involvement in mineral exploration in the AP lands and has actively encouraged a greater awareness of Aboriginal culture and heritage amongst its client groups. Through the Division of State Aboriginal Affairs the government has developed a module on working with indigenous people entitled 'Diversity in the work force plan'.

Government employees have been encouraged to participate in both consultation and discussion in meetings on the Council on Reconciliation's draft document for reconciliation. In the area of education, the government has fostered greater understanding between Aboriginal and non-Aboriginal people through the provision of grants to schools for reconciliation projects, and I commend all the ministers charged with the responsibilities of these departments for making sure that these measures have been implemented. For example, in the area of grants in education the Victor Harbor Primary School received a grant to record oral histories related to their 20 years of school exchanges with the Fregon Anangu school—a project which has enabled many students and parents from both school communities to hear about each other and their histories and cultures. The Department of Justice has implemented and developed reconciliation strategies that deal with the often very tragic problems that are experienced by Aboriginal people and their families.

Not every problem and certainly not every issue faced by Aboriginal communities will be quickly or easily resolved. Much work is still to be done by both Aboriginal and non-Aboriginal Australians, but if recent events have proved anything it is that Australians are walking together, perhaps for the first time in our history, towards the goal of true reconciliation.

ELECTRICITY, PRIVATISATION

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I lay on the table the ministerial statement relating to electricity made earlier today in another place by the Treasurer.

PUBLIC WORKS COMMITTEE

Mr LEWIS (Hammond): I bring up the 129th report of the Public Works Committee, on the Education Centre refurbishment (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

Mrs GERAGHTY (Torrens): I commend my colleague the member for Kaurna for the notice of motion that he gave to the House earlier today. It is not very often that Adelaide plays host to a major international body such as the International Whaling Commission. It is a special honour for Adelaide that the International Whaling Commission should meet and deliberate in South Australia, and I am sure that like many others we welcome all the delegates here. We have had many calls from within my electorate of Torrens and also from other electorates and people from the country who have

expressed their great concern that the commission may lift the moratorium on commercial whaling. I and no doubt many others would agree with those constituents, and we also wish to lodge our protest in the strongest possible terms against current rogue whaling practices and the lifting of any moratorium on commercial whaling. I strongly oppose any of the tactics that may and possibly have been applied or could be implemented by the whaling commission delegates that will facilitate the recommendation of whaling as a legitimate industry.

Yesterday I wrote to the International Whaling Commission conveying this message and encouraging delegates to support a whale sanctuary in the South Pacific. I hope that this will lead to a global whaling sanctuary where whales will be free and safe from the predatory instincts of rogue governments who wish to perpetuate commercial whaling and those within the commercial fishing industry. Australians and people from many other countries obviously share a responsibility for the past whaling practices which led to whales being harvested almost to the point of extinction, and we must prevent this from ever happening again. In South Australia we can have a positive impact on the global debate of commercial whaling by continuing to lobby the federal government to support a global whale sanctuary and encouraging them to pursue this most vigorously in all international forums.

There has been a moratorium on commercial whaling since 1986; however, between them nations such as Norway and Japan continue to kill over 1 000 whales every year. Most people in the community would feel, particularly given some of the viewing we have seen on television, that whaling is an act of extreme cruelty. It is a practice that does not need to be applied in this day and age, when we have plants that can provide oils and other technological and scientific methodologies which render commercial whaling totally and absolutely unnecessary. In fact, studying the behaviour of whales, their diet and their transmigration activities can bring enormous ecological and economic benefits to our society (of course, they have to be alive for us to do that) and can certainly generate a huge income through our tourism industry. As I said before, I wholeheartedly support the views of people in our community. We delight in being able to see these magnificent creatures swimming in our waters and throughout the Pacific. Recently it has been noted that the whales are coming closer to our shorelines each year, because obviously they feel peace and security these days in being able to do that.

A return to commercial whaling would be a backward step ecologically, economically and scientifically. Whaling is a barbaric act, and the only protection the whale has from human predators are the voices of those many thousands and millions of people within our communities both here in Australia and from other countries who come from all walks of life and who speak out for international legislation which will protect whales by demanding this global whale sanctuary. I heard a radio interview yesterday where a commercial fisherman from Japan put paid to the claim that the Japanese are doing this for scientific purposes. He clearly said on the radio that his whale fishing was purely for commercial purposes; it had nothing to do with scientific data being collected but was simply for commercial purposes.

The Hon. G.M. GUNN (Stuart): I am pleased to participate in the grievance debate this afternoon, because it gives me the opportunity to express my concern about the manner in which members of the Opposition, particularly the member for Hart, have conduct themselves over recent days. One cannot help coming to the conclusion that the member for Hart is engaging in this course of action purely for the purpose of downgrading the value that the South Australian government on behalf of the taxpayers will receive for the generators. We are all aware of the urgent need to make investments in public infrastructure, and the better the price we get for the generators the better the long term infrastructure we can provide for the benefit of the people of South Australia.

It is very disappointing that the honourable member and others would try to create public anxiety and fear in the community in relation to courses of action that have not lost the taxpayers one dollar. With this charade and circus—this mock outrage—from the member for Hart, one would think that the whole ETSA leasing arrangement had collapsed around us and that we were on the verge of a second State Bank outlay. Nothing could be further from the truth, and nothing of the sort has taken place. The difference between this government and the previous government is that this government acted in a responsible and rational manner when a problem was brought to its attention, whereas the Bannon government made out that there was no problem: they sat on their hands and hoped that it would go away, and we all know the result.

Had the honourable member, with the opportunity he had this morning, in the presence of the Auditor-General and the Treasurer, raised any of the issues he has brought to the attention of the House today, he would have received full and frank answers. Unfortunately, he chose not to do that and I do not know why. I do not know whether he did not have the courage to confront the Treasurer in the presence of an impartial umpire or whether he was interested only in pursuing some political activity not based on fact—certainly not in being responsible—in order to create mischief and scuttlebutt, contrary to the best interests of the people of South Australia. It would be a great pity if that was his motive, because he had ample opportunity this morning and he failed to take advantage of that opportunity. I just wonder why he chose that particular course of action.

It was interesting to observe in the media last night and this morning that, according to the opposition, the Auditor-General had been 'summoned'. The Auditor-General was not summoned: he came at the invitation of the minister. We all went to a fair bit of trouble to arrange our programs to get there this morning. I have no problem with that: one or two of us put ourselves out continually in that respect. There was no 'summoning': that is greatly dramatising the situation. Listening to the radio this morning, one would have thought that people were being called before the American Senate Foreign Relations Committee. People were working themselves up into a lather when there was no need for it. There has been no loss to the taxpayers. When the advice from the Auditor-General becomes public, it will be seen that the government acted responsibly and reasonably.

The second matter I raise is that I believe it is time for the Pastoral Act to be amended to give pastoralists a better go. Pastoralists have been the victims of unfair and unreasonable assessment officers who have not told the truth, and I believe that the act should be amended to provide for an additional pastoralist on the Pastoral Board so that pastoralists can be treated fairly and are not subjected to the same sort of exercise as has existed previously. When appointments were first made to the Pastoral Board, it was in the days when the

interviewing panel had set questions. No other questions could be asked when people such as Anne Jensen were running the board. They knew nothing about the pastoral industry and had another agenda, and the whole situation created an atmosphere of mistrust. Many pastoralists were the victims of the most unfair assessment process, with attempts being made to devalue their properties.

Time expired.

Mr SNELLING (Playford): I rise to inform the House that 20 000 tonnes of rail ballast has been dumped by the government in Pooraka, a suburb that I have the privilege to represent in this chamber. The ballast has been dumped on the site of the old Northfield railway line to the immediate east of Main North Road. It is adjacent to walking trails and the Pooraka Primary School. I was horrified when Trans-Adelaide provided me with a briefing which stated that the ballast was contaminated by the following chemicals: arsenic-based weedicide; polycyclic aromatic hydrocarbons; mono-aromatic hydrocarbons; and organochlorine pesticides.The briefing states that, other than polycyclic aromatic hydrocarbons, the chemicals that contaminate the ballast are within approved levels.

However, the material has been dumped in a residential suburb between a school and the fresh food section of the Woolworths warehouse. I was shocked to discover that the government had not even bothered to seek the appropriate environmental and planning approval to dump the material. It shows the complete blasé of the government to those of us who make our homes north of Gepps Cross.

I have written to Pooraka residents to inform them of the dumping of this contaminated material and offered them the opportunity to send the message to the transport minister that our district is not a dump, and demanding the removal of the ballast. So far, I have received 630 replies. Some of the people who have replied have added their own comments. One person noted that she had children who attended the Pooraka Primary School. Another said:

> As a registered nurse who works with children in the community, I am shocked that you would allow this.

Another said:

> Stop using our neighbourhood, use yours.

Yet another said:

> This is a residential area. Just because it is not in your neighbourhood does not make it less important.

I would like to thank all those who have sent in their protest, and especially the many parents at Pooraka Primary School who have assisted me in the preparation and distribution of my letter to Pooraka residents. For too long, those of us in the northern suburbs have had to put up with the dumping of waste. I would like to add my personal demand, as someone who has chosen to make my home and raise my family in Ingle Farm, that the contaminated rail ballast be removed.

The Hon. D.C. WOTTON (Heysen): This afternoon I wish to refer to two matters, both of which relate to the portfolio of the Minister for Health. First, I want to say how delighted I was to see that the budget allocation for this year provided extra funding for foster carers in South Australia. The minister has announced that the budget allocation for foster care will include a 12 per cent increase in payments to foster parents. It was my pleasure to get to know a number of these foster parents during my term as Minister for Family and Community Services. They are people for whom I have considerable respect, and they deserve every assistance that can be provided for them.

As the minister has indicated, many foster children have been victims of tragic circumstances, and I am delighted that the government recognises the unselfish humanitarian work that is done by foster families. I understand that foster parents at the present time look after about 850 children throughout the state, and I am very much aware of the commitment that these people make as they, in turn, make available to these young people the benefits that come from a family environment. There is no doubt that the increased payments for foster parents will help them to continue to do their valuable work.

I also was delighted to learn that an extra $2.5 million is to be made available in recurrent funding for mental health services. An organisation of which I am part, Rotary International, also has made mental health a very high priority, and I will on another occasion refer to some of the information that has been made available to me through that organisation.

The minister has indicated that the appointment of a State Director of Mental Health, along with more supported accommodation and a new crisis intervention team for the outer southern regions, are the highlights of a new plan for mental health services in South Australia. The minister has released the detailed plan following an extensive review that has been carried out, with consultation, by Dr Peter Brennan, who is a former head of W.A. Health.

The plan includes details of how the government will spend the extra $2.5 million worth of funding. The government will provide more community services for people with mental illness, including supported accommodation in Adelaide and in the country, and I am sure that all of us in this place are aware of that current need. Funding of $1.1 million will be provided for the improvement of support services, including funding of a new acute crisis intervention team for the outer southern suburbs which will be based in the Noarlunga area. An additional amount of $2.5 million recurrent funding has been allocated for mental services on top of the extra $3 million a year made available in 1998-99 as part of the mental health summit funding.

The key initiatives include $600 000 that has been allocated to supported residential services, with a further $600 000 allocated for the Crisis Accommodation program to develop supported accommodation services for Aboriginal people in the inner Adelaide area. I support these initiatives very strongly. I am sure that all members in this House would support those initiatives in the same manner and that they will be welcomed by all South Australians.

Mr HANNA (Mitchell): Today, I will pay tribute to one of Adelaide's great Labor law firms, Stanley and Partners, where I was privileged to have worked in the early 1990s. A few days ago, on 30 June, the firm of Stanley and Partners dissolved after a century of commitment to protection of workers' rights, especially their industrial and compensation rights.

The firm was founded by the Hon. Bill Denny in 1912. He traded as W.J. Denny & Co. He was a member of the state parliament from 1900 to 1933, with a couple of slight breaks during that period. Apart from his election in 1900 to the electorate of West Adelaide, he was otherwise the member for Adelaide throughout his parliamentary career. He served as Attorney-General in each of the Labor governments during that period. He enlisted during World War One and received the Military Cross for bravery in action at Ypres, in which he

was wounded, and he finished the war with the rank of captain.

Mr Denny was joined in practice by the Hon. J.J. Daly. After standing unsuccessfully for the Legislative Council in 1923, Daly was elected to the senate and became government leader in the senate as well as Minister for Defence in the Scullen government. For a short period he was Acting Attorney-General, in which capacity he appointed Justices Evatt and McTiernan to the High Court.

J.J. Daly also distinguished himself as the manager of the South Australian football team that played against Victoria in the 1920s. Mr L.J. Stanley joined the firm in 1924 and he was to serve with the firm for close to 50 years. For a short time in the mid-1920s, the Hon. John Leo Travers joined the partnership and it was known as Denny, Daly and Travers. Perhaps Leo Travers' political philosophy did not quite suit the firm for he later served in the House of Assembly from 1953 to 1956 as a Liberal and Country League member, but his experience at the firm must have helped because he also served as a justice of the Supreme Court from 1962 to 1969.

After the departure of Denny and Daly, the firm was simply known as L.J.Stanley. There was another brief period when Laurie Stanley was in partnership with Bill Kerin, so the firm was known as Stanley and Kerin for a short while. Bill Kerin had the distinction of fathering three lawyers: Carmel, Tony and John. The Hon. B.C.Stanley, otherwise known as Laurie's son Brian, joined the firm in 1953, and it then became known as Stanley and Stanley. Brian Stanley remained with the firm until he went to the bar in 1973, later to become the President of the Industrial Court in 1984 and President of the Workers Compensation Tribunal in 1986.

When Terry McRae joined the partnership in the 1960s it became known as Stanley and McRae. That was short-lived, however, as Terry McRae was elected to the State Parliament as the member for Playford. He represented that electorate from 1970 to 1989. He served as Speaker of the House of Assembly from 1982 to 1986. With the departure of Mr McRae the firm became known as Stanley and Partners and the number of solicitors grew beyond the very small firm it had been up to that point. The following practitioners served there during the 1960s and 1970s: Richard White and David Quick, who are both now Queens Counsel; her honour Helen Parsons, who was appointed a magistrate in 1983 and then judge of the Industrial Court, later the Industrial Relations Court; and the Hon. Chris Sumner who was a member of the Legislative Council from 1975 to 1994, serving as Attorney-General from 1982 to 1993 and who is currently a Registrar of the Native Title Tribunal. Magistrates Mr Gumble and Mr Field and the Federal Industrial Registrar Ms Leonie Farrell also worked at the firm for various periods of time.

Finally, I note that when Mr Tim Stanley, currently a barrister and the ALP candidate for the Federal seat of Adelaide, graduated as a lawyer, there was no room at the inn, so he never got to work as a lawyer at Stanley and Partners. I dare say, however, that he is as sentimental about the firm as any of us, given the prominent roles that his father, Brian, and his grandfather, Laurie, played in carrying on the traditions of the firm. In my allotted five minutes I can record only the briefest history of this firm. It has occupied a special place in the Adelaide legal profession. No other firm can claim to have shown a dedication to the protection of workers' rights combined with a genuine commitment to affordability for both unions and individual workers spanning over nearly a century of tradition. The justice proclaimed in the statutes is worth nothing without lawyers who are willing to champion the legal rights of the workers in the courts so that justice is done at the end of the day.

My heartfelt good wishes go out to the final partners: Peter Mullins, Simon Langsford, Tim Bourne, Eugene Reinboth and Angela Ferdinandy, as well as the solicitors and other staff of Stanley and Partners. Once again, I pay tribute to the good work, the hard work and the integrity of all those who contributed to the Stanley and Partners tradition.

Mr MEIER (Goyder): On 6 December 1999, a new committee was formed in the Wakefield Regional Council area, the Wakefield Regional Road Safety Committee. Prior to that date I was very pleased to receive from First Class Constable Richard Errington of the Port Wakefield police an invitation to attend and formally open the meeting. I was very happy to do that. As a result of that committee's being established considerable action has occurred. Yesterday, the Wakefield Regional Road Safety Committee held its first annual general meeting and formally elected its office bearers. A constitution had been developed over previous meetings, so the annual general meeting was able to work according to the new constitution.

In simple terms, the objects and purposes of the committee are to reduce the number and severity of crashes and potential crashes causing injury and/or death to road users; to support people in road trauma (where the need arises); to develop policies and procedures at the local level; to establish and promote road safety to the community; to promote road safety issues; to provide potential economic savings to the community; to implement the search for development of effective programs for implementation and evaluation at the local level; to release regular information to appropriate media on topics regarding the safety of the community in relation to road safety issues; to implement and promote educational road safety programs for all road users (pre-school, primary and high school education levels and the general community); and any other objectives which, from time to time, the community may find are consistent with the committee's objects and purposes.

Yesterday, First Class Constable Richard Errington was elected chairman of the committee and First Class Constable Neil Anderson from the Balaklava police was elected secretary and treasurer. Other members of the committee who serve on a regular basis include Senior Constable Martin Bazeley, Port Wakefield police; Senior Constable Ray Andt, Snowtown police; Senior Constable Bob Alsop, Balaklava police; Senior Constable Neil Jenner, Hamley Bridge police; Mrs Mercedes Haralam, Safety Strategy Officer from the Office of Road Safety; Mr Ken Roberts, representing the Wakefield Regional Council; Mr David Collins, Transport SA; Mr Chris Cowan, Balaklava CFS; and Mrs Pat Berry, from the Lower North Community Health Service.

Certainly, any members of the community are welcome to attend committee meetings and, from time to time, some have attended. This new initiative will bring about considerable changes in the area of road safety. One item agreed to at yesterday's meeting was the installation of road markers to identify fatal and non-fatal crash sites throughout the area of the Wakefield Regional Council. Certainly, we are very appreciative of the support that council is giving at this stage. I trust that this committee will help to alert people and, where possible, to alleviate the potential for road accidents and to make some South Australian roads much safer on which to travel.

SELECT COMMITTEE ON THE MURRAY RIVER

Mr MEIER (Goyder): On behalf of the member for Heysen, I move:

That the committee have leave to sit during the sittings of the House this week.

Motion carried.

UNIVERSITY OF ADELAIDE (HONORARY DEGREES) AMENDMENT BILL

The Hon. M.R. BUCKBY (Minister for Education and Children's Services) obtained leave and introduced a bill for an act to amend the University of Adelaide Act 1971. Read a first time.

The Hon. M.R. BUCKBY: 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 University of Adelaide has requested that the *University of Adelaide Act 1971* be amended to include a provision that empowers the University to award degrees, diplomas or other awards on an honorary basis. The University currently awards an honorary degree of Doctor of the University and wishes to retain this as their premier award in recognition of distinguished service directly to the University.

The power to award honorary degrees, diplomas or other awards would enable the University to recognise people, particularly on the international stage, who have rendered distinguished service either directly or indirectly to the University and who have contributed to the pursuit of the goals, mission or values shared by the University.

The proposed amendments are to sections 6 and 22 of the *University of Adelaide Act 1971*.

Flinders University and the University of South Australia have the general power in their respective Acts to allow for the awarding of honorary degrees.

Consultation has occurred with the University on the proposed Bill and they are in agreement with the proposed changes.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 6—Power to confer awards

This clause amends section 6 of the principal Act, which sets out the powers of the University of Adelaide to confer degrees, diplomas or other awards. Subsection (2a) currently empowers the University to admit a person to an honorary degree of Doctor of the University whether or not that person has graduated at Adelaide University or any other University. New subsection (2a) retains that power but also enables the University to admit a person, on an honorary basis, to any degree, diploma or other award that the University may have constituted (and, again, to do so whether or not the person concerned has graduated at the University of Adelaide or any other University).

Clause 3: Amendment of s. 22—Statutes, regulations and rules

This clause amends section 22(1)*(ia)* of the principal Act to empower the University of Adelaide to make statutes, regulations or rules providing for the admission of persons to honorary degrees, diplomas or awards.

Mr HILL secured the adjournment of the debate.

HISTORY TRUST OF SOUTH AUSTRALIA (OLD PARLIAMENT HOUSE) AMENDMENT BILL

Second reading.

The Hon. DEAN BROWN (Minister for Human Services): 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.

Old Parliament House was previously named the Constitutional Museum. It was placed under the care, control and maintenance of the History Trust when the Trust was created in 1981. The Trust opened the Museum in 1980 and it continued to operate as a museum until 1995.

In 1995, the Government made a decision to close Old Parliament House museum, move the State History Centre to Edmund Wright House and relocate Parliamentary offices (from the Riverside building) to Old Parliament House. This decision was based on falling attendance numbers at the museum, making the best use of Edmund Wright House and savings in rental from the relocation of Parliament offices. Parts of Old Parliament House remain open to the public, primarily for educative purposes.

These changes required the agreement of the History Trust pursuant to Section 15(1) of the *History Trust South Australia Act 1981* (Act), which states that:

'The constitutional museum shall be under the care, control and management of the Trust.'

To facilitate the above, the Act was amended in 1995 to include an additional clause, Section 15(4), which states:

' . . . the Trust may, with the consent of the Minister, make the constitutional museum available for the purposes of the Parliament, on terms and conditions approved by the Minister.'

Late in 1997, the History Trust central directorate co-located with State History Centre staff in Edmund Wright House. Subsequently, the Speaker and President requested that the ownership of Old Parliament House be transferred to the Crown for the purposes of the Parliament—and the History Trust has supported this course.

To effect this transfer, the Act needs to be amended to remove any responsibility for the Constitutional Museum from the Trust. Then the ownership of the building will revert to the Crown through the Minister for Government Enterprises. This is consistent with the legal status of new Parliament House. Whilst the care, control and management of the Old Parliament House will rest with the Minister for Government Enterprises, the Speaker and Presiding Officer will have the responsibility for day to day management of Old Parliament House.

The Crown Solicitor advises that amendment of the Act to remove History Trust's responsibility for Old Parliament House will have the effect of reverting the whole of the Parliament House Site as originally described in the Parliamentary Buildings Act of 1877 to unalienated Crown Land under the care, control and management of the Minister for Government Enterprises.

However, as this relies on following the Ministerial succession of the Commissioner of Public Works (as defined in 1877) and the outcome of a number of legislative changes over the past 123 years, the Crown Solicitor believes it would be prudent for the Minister for Environment and Heritage, to whom the *Crowns Lands Act, 1929* is committed, to publish a notice in the South Australian Government Gazette pursuant to Section 5*(d)* and *(f)* dedicating the whole of the Parliament House site for the purposes of Parliament and granting care, control and management of the whole of the site to the Minister for Government Enterprises. If, for any reason, the Government wished a land grant (fee simple title) to issue for the whole of the Parliament House Site then, immediately following the rededication and granting of care, control and management, the Governor could pursuant to Section 5aa of the Crown Lands Act issue a land grant to the Minister for Government Enterprises upon trust for the purposes of Parliament. This would mean that a certificate of title for the Parliament House Site would be issued to the Minister for Government Enterprises. However, as it would be issued in trust for the purposes of Parliament, it could not be dealt with for any other purposes.

I commend this Bill to Honourable Members.

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: Amendment of long title

This clause is consequential.

Clause 4: Repeal of s. 3

Section 3 of the Act is now unnecessary as the official consolidation of the Act set out a detailed, up-to-date, summary of provisions.

Clause 5: Amendment of s. 4—Interpretation

Clause 6: Repeal of s. 5

Clause 7: Amendment of heading

These clauses are consequential.

Clause 8: Amendment of s. 15—Historic premises

The premises formerly known as the constitutional museum, and now as *Old Parliament House*, are no longer to be held under the care, control and management of the History Trust of South Australia. Instead, it is intended to dedicate the whole of the Parliament House site for the purposes of the Parliament pursuant to the dedication under the *Crown Lands Act 1929*.

Clause 9: Transitional provision

These provisions provide a mechanism to ensure that any rights or liabilities of the South Australian History Trust of South Australia relating to Old Parliament House may be dealt with in an appropriate manner.

Clause 10: Amendment of the Parliament (Joint Services) Act 1985

Consideration of the position of Old Parliament House has led to the proposal that a consequential amendment be made to the *Parliament (Joint Services) Act 1985* to clarify that references to "Parliament House" in that Act extend to Old Parliament House, and any appurtenant land.

Mr HILL secured the adjournment of the debate.

NATIVE TITLE (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. I.F. EVANS (Minister for Environment and Heritage): 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.

Background

The Commonwealth *Native Title Amendment Act 1998* came into operation on 30 September 1998. It substantially amended the *Native Title Act 1993*.

The State Government reviewed the legislative options available under the Commonwealth legislation for South Australia and, as a result of that review, introduced the *Statutes Amendment (Native Title No. 2) Bill 1998* ('the 1998 Bill') into Parliament on 10 December 1998.

The 1998 Bill, which has now lapsed, proposed amendments to the State's existing native title scheme, as contained in the:

- *Native Title (South Australia) Act 1994*
- *Environment, Resources and Development Court Act 1993*
- *Mining Act 1971*
- *Opal Mining Act 1995*.

The 1998 Bill proposed the insertion of a new 'right to negotiate' scheme in the *Petroleum Act 1940* that mirrored the successful schemes that are already operating under the *Mining Act* and the *Opal Mining Act*. It proposed incidental amendments to the *Aboriginal Land Trust Act 1966* and the *Electricity Act 1996*. Proposed amendments to the State's *Land Acquisition Act 1969* were prepared separately but were dealt with in conjunction with the 1998 Bill.

The *Native Title (South Australia) (Miscellaneous) Amendment Bill* contains only amendments to the first of the Acts mentioned above, namely, the *Native Title (South Australia) Act*. It represents the State's legislative response to the amendments to the *Native Title Act* in so far as they relate to the section 207A (recognised State bodies) scheme.

A separate Bill (the *Native Title (South Australia) (Validation and Confirmation) Bill 1999*) contains provisions to amend the *Native Title (South Australia) Act* to include validation and confirmation provisions as contemplated by the Commonwealth *Native Title Act*.

The amendments proposed in the 1998 Bill to other State Acts and the proposed amendments to the State's *Land Acquisition Act* are presently subject to continuing consultations with Commonwealth officials to ensure strict conformity with the provisions of the *Native Title Act*.

Amending legislation for those Acts will be introduced once substantial agreement with Commonwealth officials as to such conformity has been reached and there has been an opportunity for further consultation with Aboriginal and other interest groups.

Recognised State bodies

Section 207A (formerly section 251) of the *Native Title Act* allows the States to establish their own Courts or bodies to decide native title claims (subject to approval from the relevant Commonwealth Minister).

The section envisages that there be will be a nationally consistent approach to the recognition and protection of native title and therefore requires that the law of a State and procedures thereunder be broadly consistent with the provisions of the *Native Title Act.*

South Australia received a determination from the Commonwealth Minister in 1995 stating that the ERD Court and Supreme Court are both recognised State bodies for the purposes of section 251 (now 207A) of the *Native Title Act.*

As a result of the 1998 amendments to the *Native Title Act*, it is necessary to amend the existing State legislation constituting the Supreme Court and ERD Court as recognised bodies to ensure the consistency of State processes with those in the amended *Native Title Act.*

Under the provisions of the *Native Title Act*, the Commonwealth Minister may write to the Attorney-General at any stage, as the State Minister concerned, to indicate that he considers the State's recognised bodies scheme to be non-compliant. It is therefore important to ensure that the scheme is rendered compliant.

State and Commonwealth officials have liaised closely (and will continue to liaise) in order to ensure that the proposed amendments are consistent with the amended *Native Title Act* provisions.

Procedural amendments

The legislation amends South Australia's registration test under the *Native Title (South Australia) Act*. The proposed new State registration test applies from the date of the proclamation of the Commonwealth legislation (30 September 1998) to avoid potential inconsistency or forum shopping on the part of claimants. The Government indicated in a public statement in 1998 that it intended to amend the *Native Title (South Australia) Act* in this way.

A new section 39A has been introduced to specify the content of orders for the payment of compensation. A new section 27A has also been introduced to set out the information to be provided in claims for compensation. Both these sections are in terms similar to the equivalent provisions in the *Native Title Act.*

Amendments to the definition sections

A number of definitions and amendments are made to sections 3 and 4 of the *Native Title (South Australia) Act* to reflect definitions in the *Native Title Act* and to clarify aspects of the operation of South Australia's scheme. In addition, section 4(5) of the *Native Title (South Australia) Act*, which currently states that native title in land was extinguished by an act occurring before 31 October 1975 that was inconsistent with the continued existence, enjoyment or exercise of native title in the land, has been removed as it is no longer necessary in light of the confirmation of extinguishment provisions which will be inserted in a later part of the *Native Title (South Australia) Act*. The section only had a declaratory effect which is now covered by the *Native Title Act*.

Change to notification processes

Section 30 of the *Native Title (South Australia) Act* has been amended to differentiate between the processes that must be followed depending on whether the notice issued is initiating right to negotiate proceedings or simply part of a general notification/consultation process. Notices that do not initiate the right to negotiate process will have a more streamlined process to follow, consistent with the *Native Title Act*.

The notification provisions contained in Division 5 of Part 3 of the *Native Title (South Australia) Act* have been repealed and new provisions substituted. New sections 15 and 16 refer in general terms to the information to be provided to the Registrar and to the giving of notice and leave the detail of how notice is to be given to the regulations.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation of Acts and statutory instruments

This clause amends the interpretation provision. Subsection (1) of section 3 of the Act contains definitions that apply across the Statute Book. The following alterations are made to those definitions:

- A new definition of Aboriginal group is included for two purposes—to describe the persons to be considered a group for the purposes of making a claim to native title (namely, those that hold or claim to hold the native title under a particular body of traditional laws and customs) and to make it clear that, if there

is only one surviving member of the group, that person will constitute the group.

- What it means to affect native title is defined in terms comparable to section 227 of the NTA.
- Claimant applications and non-claimant applications are defined to simplify references to applications for native title declarations made by Aboriginal groups and those made by others.
- The new definition of native title declaration reflects the terminology used in the NTA.
- A technical amendment to suit Commonwealth terminology is made to the definition of native title question.
- A new definition of native title party is included, referring to the Aboriginal group registered as the claimant to or the holder of native title. The term is used in provisions requiring negotiation with appropriate native title parties.
- A new definition of native title register is included for ease of reference to the Commonwealth and State Registers.
- A new definition of registered is included to make it clear that persons identified or described in a native title register as holders of or claimants to native title will be taken to be registered as holders of or claimants to native title.
- A new definition of registered native title rights is included as a means of limiting, where necessary, a reference to native title to those rights described in the relevant entry in a native title register. Under the Commonwealth scheme it is only acts affecting registered rights in respect of which a claimant has a right to negotiate.
- Substitution of the definition of registered representatives of claimants is a consequential technical amendment.
- The definition of representative Aboriginal body is substituted (and subsection (2) struck out) to reflect sections 202(1) and 203AD of the NTA. The NTA now requires that it is the Minister's action under that Act that will determine the representative bodies for South Australia.

  Subsection (3) of section 3 of the Act contains definitions that apply only for the purposes of the Act.
- The substituted definition of mining tenement (and the definition of relevant Act) provides a more flexible approach to ensure that all tenements relating to the recovery of underground resources are covered.
- A new definition of right to exclusive possession of land is included to enable the NTA wording to be conveniently incorporated. The expression is used in proposed sections 18(3)(c) and 23(3)(c).

A new subsection (2) is inserted to standardise references to native title and native title rights and interests.

Clause 4: Amendment of s. 4—Native title

The amendments in this clause reflect the amendments to the concept of native title in s. 223 of the NTA.

Clause 5: Insertion of s. 4A

The new section describes the functions of a registered representative or native title holders or claimants.

Clause 6: Amendment of s. 13—Principles governing proceedings

Section 13 is amended to ensure that the Court follows the evidentiary practice of the Federal Court in relation to certain native title proceedings.

Clause 7: Substitution of Part 3 Division 5

A new Division is inserted enabling the regulations to deal with notification in relation to native title questions. A new Division 6 deals with the procedural matters of joinder of parties and costs.

Clause 8: Amendment of s. 17—Register

The amendment to paragraph *(c)* reflects s. 186(1)*(g)* NTA. The register is required to contain a description of the rights claimed to be conferred by the native title.

The removal of subsection (4)*(b)* means that the names and addresses of the claimants need not be included in the register and reflects the removal of s. 188(2) of the NTA.

New subsection (5) requires the Registrar to keep the register up to date.

Clause 9: Substitution of ss. 18, 19 and 20

These sections are substituted in order to mirror the new registration test and the processes for registration of a native title claim contained in the NTA.

Proposed section 18 sets out the persons who may make an application for a native title declaration. This corresponds to the table in section 61 of the NTA. Various restrictions on the making of applications are set out, corresponding to section 61A of the NTA.

Proposed section 18A mirrors the requirements of ss. 61 and 62 of the NTA (and to a certain extent s. 190C(4) and (5)) about the content of an application for registration of a native title claim.

Proposed section 19 requires the Registrar to determine whether, in the case of a claimant application, the claim should be registered. A claimant may choose not to submit the claim for registration—for example, where it is clear that the registration tests are not met but the claimant requires the matter to be determined by the Court.

Proposed section 19A sets out the test to be applied to claims by the Registrar and corresponds to ss. 61A, 190B, 190C and 190D of the NTA.

Proposed section 19B is similar to s. 190D(2) of the NTA. Under the State scheme, all decisions in relation to registration are reviewable (for example, a decision to register some rights but not others). The test relating to association with the land by a parent of a member of the claimant group is applied directly at the registration stage in the State provisions rather than at the review stage as in the Commonwealth provisions.

Proposed section 20 makes it clear that the ERD Court is to hear an application for a native title declaration.

Clause 10: Amendment of s. 21 and relocation of ss. 21 and 22

The amendment to section 21 is consequential on the inclusion of definitions of claimant and non-claimant applications. The provisions are relocated to alter the structure of the Part. Matters not relating to native title declarations (Division 3) are shifted to Division 4, Miscellaneous.

Clause 11: Amendment of s. 23—Hearing and determination of application for native title declaration

The amendment to subsection (2) allows a council to be heard on the hearing of an application for a native title declaration.

Other amendments reflect s. 225(b) to (e) of the NTA. They require native title rights, and the relationship between the native title and other interests in the land, to be specifically defined.

Clause 12: Amendment of s. 24—Registration of representative

This clause makes a technical amendment to section 24 to more closely reflect the Commonwealth Act as amended.

Clause 13: Insertion of S. 24A

The new section requires a native title declaration to be made in proceedings for compensation for an act extinguishing or otherwise affecting native title in relation to land for which a native title declaration has not been made.

Clause 14: Insertion of heading

A new Division 4 heading is inserted to better structure Part 4.

Clause 15: Substitution of s. 26

This clause ensures that section 26 dealing with merger of proceedings reflects the Commonwealth Act as amended.

Clause 16: Amendment of s. 27—Protection of native title from encumbrance and execution

This is a consequential amendment relating to the restructuring of Part 4.

Clause 17: Insertion of Part 4A

The new Part deals with procedural matters relating to compensation for acts extinguishing or otherwise affecting native title.

Clause 18: Amendment of s. 30—Service where existence of native title, or identity of native title holders, uncertain

These amendments introduce two different requirements for service on all who hold or may hold native title in land depending on whether the notice to be served is a right to negotiate notice (as defined) or not. If it is, the notice requirements derive from section 29 of the NTA (those that apply in relation to future acts giving rise to a 'right to negotiate'). If it is not, more limited notification requirements apply similar to those set out in provisions giving native title holders procedural rights, such as 24MD of the NTA.

Clause 19: Insertion of s. 39A—Content of orders for compensation to Aboriginal group

Proposed section 39A corresponds to section 94 of the NTA.

Clause 20: Transitional provision—Previous registration or application for registration of claim to native title

These provisions require reconsideration of any claims lodged before commencement of the Part in accordance with the new registration test.

Mr HILL secured the adjournment of the debate.

STATUTES AMENDMENT AND REPEAL (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second reading.

The Hon. I.F. EVANS (Minister for Environment and Heritage): 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 Bill will make a number of minor uncontroversial amendments to legislation within the Attorney-General's Portfolio.

Associations Incorporation Act

The Bill will amend section 41(2) of the *Associations Incorporation Act* to also refer to the new Chapter 5A of the Corporations Law.

Section 41 of the Act applies the winding up provisions of the Corporations Law to incorporated associations as if an association were a company and as if the provisions were incorporated into the Act.

In 1998, the Commonwealth enacted the *Company Law Review Act*, which rewrote the provisions of the Corporations Law dealing with the formation of companies, company meetings, share capital, financial statements and audit, annual returns, deregistering and reinstating defunct companies and company names. These amendments became effective on 1 July 1998.

The rewriting of these provisions involved significant restructuring of the Corporations Law. Division 8 of Part 5.6 (as currently referenced as applying to associations) has been substituted by Chapter 5A.

Although the Corporations Law that is applied is taken to be that which is in force from time to time, Chapter 5A also contains a provision for which there is no antecedent in Division 8 of Part 5.6, dealing with claims against insurers of deregistered companies.

The Bill will amend the *Associations Incorporation Act* to refer to Chapter 5A in the applied provisions.

Correctional Services Act, Criminal Law Consolidation Act, Criminal Law (Sentencing) Act and Young Offenders Act

There is currently a problem where a person serving time for an offence committed as a juvenile is charged with an offence committed as an adult. While ordinarily a sentence imposed on an adult may be made cumulative upon the existing sentence, this is currently unable to be applied to an adult who commits an offence or offences while serving a sentence for an offence or offences committed as a juvenile. This applies even in cases of escape from custody, where the sentence is normally required to be made cumulative upon the existing sentence.

The Bill will therefore amend a number of Acts to ensure that an equal system applies to all offenders convicted as adults and that sentences for escapes are cumulative on any existing sentence, whether of imprisonment or detention.

There has also been a question raised over the capacity of officers of the Department for Correctional Services or the Department of Family and Youth Services to bring action for the enforcement of community service orders. The Bill will amend the *Criminal Law (Sentencing) Act* to make it clear that such officers may bring action for the enforcement of community service orders.

The Bill will make a further amendment to the *Criminal Law (Sentencing) Act*. Under amendments previously made to the Act to establish the new fines enforcement scheme, new section 70G refers to the seizure or sale of property to satisfy a fine debt. However, the *Criminal Law (Sentencing) Act* does not currently enable the conversion of property into money. This is in contrast to the *Enforcement of Judgments Act* which permits such conversion. The *Criminal Law (Sentencing) Act* will be amended to enable the conversion of property into money.

Crimes At Sea Act

The Bill will make a number of amendments to the *Crimes At Sea Act* to bring it into line with the National Scheme. The Act implements a co-operative scheme established by agreement between the Commonwealth and the States and Territories. It was based on model legislation prepared by the Parliamentary Counsels' Committee. South Australia was one of the first States to enact its *Crimes At Sea Act*. Since the Act was enacted, a number of minor changes have been made to the scheme. These include the withdrawal of Norfolk Island from the scheme, the insertion of transitional provisions and the insertion of a provision which makes it clear that the Act does not apply to acts or omissions to which *the Crimes (Aviation) Act 1991 (Cth)* applies. The Bill will amend the *Crimes At Sea Act* to reflect those changes.

Additionally, it is necessary to amend the Act to prevent the Act commencing before other States' legislation is in place. The Act was passed in 1998 and assented to on 10 September 1998, but has not yet come into operation.

While some States have enacted equivalent legislation, and the Commonwealth has enacted its complementary legislation, Queensland and the Northern Territory have not yet introduced legislation into Parliament to implement the scheme. It is therefore unlikely that all States will have their legislation in place by the time South Australia's legislation is due to come into operation by virtue of section 7(5) of the *Acts Interpretation Act 1915*. Under section 7(5) of the *Acts Interpretation Act 1915* an Act which comes into operation on a day to be fixed by proclamation will automatically come into operation two years after it receives royal assent, unless proclaimed earlier. This would result in the South Australian Act coming into operation on September 10, 2000. It is unlikely that the other States will be ready for the scheme to commence on that date. It would be inappropriate for the South Australian legislation to commence operation on that date, in isolation from other States. The Bill will therefore amend the commencement provision to ensure that the Act will not automatically commence.

Criminal Injuries Compensation Act and Environment, Resources and Development Court Act

The Bill will also amend the *Criminal Injuries Compensation Act* and the *Environment, Resources and Development Court Act* to deal with an issue arising from the operation of the New Tax System, to come into operation on 1st July 2000, which imposes the Goods and Services Tax (GST).

Under the New Tax System, supplies of goods and services will be taxable. The supplier is liable to pay the tax, and is entitled to adjust the price of the goods or services to the consumer accordingly. It is the consumer, not the supplier, who is intended to ultimately bear the tax under this system.

This presents no difficulty where the price of the goods or services is fixed by the market, but a difficulty does arise where a maximum fee chargeable for the service is fixed by law. In that case, if the supplier is not entitled to charge more than the set maximum, then he or she must bear the tax instead of being able to on-charge it. This is not the intention of the New Tax System. Accordingly, it is necessary to amend such legislation to make it clear that in addition to the maximum permitted fee, the supplier is also able to charge the proper amount representing the GST.

In the present case, the *Criminal Injuries Compensation Act* and *the Environment, Resources and Development Court Act* both contain provisions activating fee limits fixed by Regulation, in one case, or by the Rules of Court, in the other, which legal practitioners can charge to clients for work done in those jurisdictions. For the above reasons, it is necessary to amend those provisions to permit on-charging of GST.

There has been consultation with the Law Society and the ERD Court on these measures, which are supported.

Criminal Law (Forensic Procedures) Act

Currently, some sections of the *Criminal Law (Forensic Procedures) Act* relating to the taking of samples and the entering of information onto a database do not allow for the situation where an offender is not convicted of the offence with which they were charged, but is convicted of another offence by way of alternative verdict. As a result, no data can be kept on offenders in this situation. However, section 16(1)(g) of the *Criminal Law (Forensic Procedures) Act* provides that before a person who is under suspicion consents to a forensic procedure, a police officer must explain to the person, *inter alia*, that if information is obtained from carrying out a forensic procedure and the person is subsequently convicted of the suspected offence (or another offence by way of alternative verdict) or declared liable to supervision, the information may be stored on a database, and therefore accessible by authorities of South Australia, the Commonwealth and other States and Territories. It is clear that when the Act was enacted, it was intended that data could be kept where an offender was convicted of another offence by way of alternative verdict. There is no reason for a different standard to apply.

The Bill will therefore amend the *Criminal Law (Forensic Procedures) Act* to provide that these sections also apply where the offender is convicted of another offence by way of alternative verdict.

The Bill will also amend the Act to clarify the position with respect to the storage on the database of DNA profiles obtained as a result of s. 30 orders, which are orders authorising the taking of material for the purpose of obtaining a DNA profile from a person after the Court has dealt with the charge. This issue arose in the recent case of *Police v Stefanopoulos [2000] SASC 59* where the defendant tried to argue that based on the wording of section 49, only

DNA profiles obtained from forensic procedures carried out during the investigative stage before conviction can be stored on the database. While His Honour found that in the context of the Act, the proper meaning and effect of the legislation was that the power to store DNA profiles was not limited to material obtained from forensic procedures carried out during the investigative stage, His Honour described the language in s. 49(2)*(a)* as 'not ideal', suggesting a lack of clarity.

It is clearly the intention of the Act that DNA profiles obtained as a result of orders made pursuant to s. 30 may be stored in addition to DNA profiles obtained as a result of orders made prior to conviction.

Election of Senators Act

The Australian Constitution provides that the States and the Commonwealth can both make laws in relation to the election of Senators for a particular State. South Australia has done so through the *Election of Senators Act*, and the Commonwealth has enacted provisions relating to the election of Senators for all States in the *Commonwealth Electoral Act*.

The Commonwealth amended the *Commonwealth Electoral Act* in 1998. Of particular relevance to South Australia was an amendment to the time period within which nominations must be made, which reduced both the minimum and the maximum periods by one day. There is thus an inconsistency between the Commonwealth and State provisions relating to the issuing of writs for Federal elections. The Bill will amend the *Election of Senators Act* to make that Act consistent with the Commonwealth Act.

Evidence Act

The *Evidence Act* currently allows certain diplomatic and consular staff to take affidavits overseas. However, this is limited to Ambassadors, officers of the Australian Department of Foreign Affairs and Trade and persons appointed as honorary consuls.

Thousands of documents are processed at overseas posts for Australian citizens and foreign nationals each year. This workload is increasing at a time when the number of diplomatic and consular staff sent to overseas posts from Australia is declining. The Commonwealth Minister for Foreign Affairs has proposed that in future much of this work be done by locally engaged staff at overseas posts.

There are approximately 100 staff at overseas posts who would be authorised to carry out this work. These staff are only employed following stringent security and criminal record checks. In many cases they have been employed by posts for a significant length of time and have substantial experience in procedures for taking of evidence, service of process and witnessing documents.

The *Consular Fees Act 1955 (Cth)* provides for the collection of fees for the performance of consular acts by authorised staff employed by the Commonwealth or the Australian Trade Commission. The Bill will amend the *Evidence Act* to enable such staff to take affidavits.

Expiation of Offences Act

Section 14 of the *Expiation of Offences Act* creates difficulties where enforcement orders are revoked more than six months after the commission of an offence. The Act provides that a notice cannot be given more than six months after the offence was alleged to have been committed. However, the Act provides that when an enforcement order is revoked because the applicant failed to receive a particular notice, then the applicant will be taken to have been given that notice on the day the enforcement order was revoked. Often, this will be more than six months after the commission of the offence; hence the notice will often be out of time.

The Bill will amend the *Expiation of Offences Act* to provide that where an enforcement order has been revoked, the time limits for issuing expiation notices and complaints subsequent to the order setting aside the enforcement proceedings should commence from the date that the order is made.

The Bill also incorporates the amendments contained in the *Expiation of Offences (Withdrawal of Notices) Amendment Bill 1999* introduced into the lower House by the Honourable Graham Gunn last year. Those provisions require the withdrawal of expiation notices by the issuing authority if the notices were received out of time or were never received by the alleged offender.

Magistrates Court Act

There are a number of minor issues relating to minor civil actions in the Magistrates Court and the review of such actions by the District Court.

A minor civil action is an action to recover an amount of $5000 or less, or a neighbourhood dispute, or one of a number of defined statutory proceedings. The hallmark of a minor claim is that it involves a small sum and accordingly the parties generally represent themselves, while the court conducts the hearing in a simplified, inquisitorial manner. The parties are not bound by the pleadings, nor the court by the rules of evidence. The court has a power to call witnesses as it sees fit. The case must be decided according to equity, good conscience and the substantial merits of the case, without regard to technicalities and forms.

Parties to minor civil actions generally may not be represented by legal practitioners at the hearing, although there are some exceptions to this rule. The object of this rule is to avoid a situation where the costs of the case outweigh the sum in dispute between the parties. Until recently, it was considered that this rule did not apply to the use of legal practitioners on interlocutory applications. However, this thinking has now been overturned by a District Court decision which found that the same rules regarding representation apply to interlocutory applications. The Bill will make it clear that legal representation is permitted on interlocutory applications.

The other side to this issue is representation on reviews of minor civil actions. Currently, the court takes the approach of permitting such representation. This is undesirable. It is contrary to the intention that the parties to minor civil actions should generally handle the case themselves without recourse to lawyers, so as to minimise the costs involved in disputes over small sums. The Bill will make it clear that the same rules apply to representation on review as apply at first instance.

The Act currently requires the District Court, when hearing a review, to make a final determination rather than remit the matter back to the Magistrates Court. However, there are some circumstances where the merits of the case have never been considered by the Magistrates Court. In those situations, it is inappropriate for the District Court to be required to make a final determination, which would involve a complete hearing of the case. The Bill will amend the Act to provide that the District Court may remit the case back to the Magistrates Court if the review deals with a default or summary judgement and the court determines that the judgement should be set aside.

Currently, an appeal lies in any action from the judgement of a single judge to the Full Supreme Court. It was never intended that this should apply to the review of a minor civil action. The Bill will therefore ensure that there is no appeal from a review of a minor civil action unless the District Court reserves a question of law for the consideration of the Court.

Real Property Act

The Bill will also amend the *Real Property Act* to provide for regulations to be made for the imposition of fees for enquiries and searches made in respect of information maintained by the Registrar-General under the *Real Property Act 1886* and other relevant legislation such as the *Community Titles Act 1996* and the *Strata Titles Act 1988*.

Since 1979, non-regulated or administrative fees approved by the relevant Minister have been imposed for most enquiries on the Land Ownership and Tenure (LOTS) System maintained by the Registrar-General. Developments in computer technology have also changed the way in which most searches are conducted. A person making an enquiry regarding a particular title will generally be provided with a printout of information held on a computer. Fees approved by the Minister are currently imposed for the provision of such printouts.

A difficulty has arisen because a member of the public has pointed to section 65 and argued that that section entitles him to access the computer register itself, rather than a printout of information contained in that register. Only one member of the public has sought such access to date. The Registrar-General has advised that, given the costs of providing members of the public with the facilities to directly access the computer register, (and section 65 would appear to entitle members of the public to have such access), the Act needs to be amended to ensure that the Registrar-General is able to charge a fee to cover the costs of providing such access, which the Registrar-General advises are large. The proposed amendment will enable a fee set by regulation to be charged for such access.

At the same time, the Government has decided to take the opportunity to provide a legislative footing for the imposition of other fees relating to the provision of information contained in the Register Book, or any document or information held by the Lands Titles Office under the Act.

The Government has also decided that, in future, such fees should be set by regulation, rather than by the relevant Minister. This will enable parliamentary scrutiny of the level of fees being set. New Part 14 will therefore amend the regulation making power under section 277 of the *Real Property Act* to provide that regulations may set fees

for searching the Register Book and other documents and information held by the Registrar-General, including where such searches are conducted electronically. The amendment will also provide for fees to be set for obtaining copies of material so searched.

Wills Act

In 1998, section 12(2) of the *Wills Act* was amended with the intention of addressing a concern prompted by an argument advanced in the case of *In the Estate of McCartney deceased*. Essentially, the Government's intention was to make it clear that an applicant seeking admission of a document to probate under section 12 must prove that the deceased intended the document to constitute his or her will, as well as proving that the document expressed the deceased's testamentary intentions. At the same time, section 12(3) of the *Wills Act* was amended. The amendment to section 12(3) was a drafting measure aimed at clarifying the wording of the section. However, in revising the wording, a broader concept of revoking a valid will by words or conduct was introduced.

Unfortunately, despite the best efforts of the Government and the members of this Parliament, the 1998 amendment to section 12(2) of the *Wills Act* does not achieve the original intention of Parliament. In addition, in spite of wide ranging consultation at the time in relation to the amendments, there has been recent criticism of the introduction of the broader concept of revocation of a will by words or conduct in section 12(3). It is clear from the Parliamentary debates that the potential impact of the broader concept was not fully appreciated at the time that the 1998 amendments were passed.

The Bill will ensure that the intentions behind the 1998 Act are finally achieved, and will remove the concept of revoking a will by words or conduct.

Repeal of the Australia Acts (Request) Act 1999

The *Australia Acts (Request) Act* was passed in order to provide an alternative to the method proposed by the Commonwealth to alter State Constitutional arrangements (the validity of that method having been questioned) and in order to enable the State to control amendments to is own constitutional arrangements in the even that the 'republic referendum' returned a 'Yes' vote. As that Commonwealth constitutional alteration was not approved by the referendum held on 6 November 1999, the South Australian Act will not come into operation.

The Solicitor-General has been consulted and considers that there is no particular advantage in leaving the Act on the statute books. The South Australian Act could be effective with regard to any future proposal to amend the constitution to establish a republic only if the South Australia and all other States introduced Bills either to amend their *Australia Acts (Request) Act 1999* (if it has not been repealed in the meantime) or to enact another similar *Australia Acts (Request) Act*.

It is understood that the Queensland Government intends to repeal its *Australia Acts (Request) Act*. Western Australia does not intend to repeal the equivalent Act. All other States remain undecided.

The Bill will repeal the *Australia Acts (Request) Act* to remove an unnecessary Act from the Statute Book.

I commend this Bill to Honourable Members.

EXPLANATION OF CLAUSES

PART 1: PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The commencement provision deems the GST-related amendments to the *Criminal Injuries Compensation Act* and the *ERD Court Act* to have come into operation on 1 July 2000.

Clause 3: Interpretation

This clause provides that a reference in the Bill 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 ASSOCIATIONS INCORPORATION ACT 1985

Clause 4: Amendment of s. 41—Winding up of incorporated association

This amendment upgrades the references to the provisions of the Corporations Law that are to apply in relation to the winding up of an incorporated association.

PART 3: AMENDMENT OF CORRECTIONAL SERVICES ACT 1982

Clause 5: Amendment of heading

It is proposed to amend the heading to Division 4 of Part 5 of the principal Act by striking out the words 'Escaping or' leaving the heading as 'Prisoners at Large'. The amended heading more accurately indicates the contents of the Division.

Clause 6: Amendment of s. 50—Effect of prisoner being at large

This amendment proposes to strike out section 50(1) which provides that any term of imprisonment to which a prisoner is sentenced for the offence of escaping, attempting to escape or otherwise being unlawfully at large will be cumulative on any other term of imprisonment to be served by the prisoner. This is a sentencing issue and would be better dealt with in the same provision that creates the offence of escape or removal from lawful custody (*see section 254 of the Criminal Law Consolidation Act 1935 and clause below*).

PART 4: AMENDMENT OF CRIMES AT SEA ACT 1998

Clause 7: Amendment of s. 2—Commencement

The principal Act is intended to give effect to a cooperative scheme for dealing with crimes at sea and, in due course, each of the States and the Commonwealth will enact consistent legislation to that end. South Australia was the first jurisdiction to enact the legislation, Victoria passed their Act in 1999 and the Commonwealth currently has a Bill before Parliament.

In this State, the principal Act was assented to on 10 September 1998 but has not yet been proclaimed to be in operation. Section 7(5) of the *Acts Interpretation Act 1915* provides that a provision of an Act that is to be brought into operation by proclamation will be taken to have come into operation on the second anniversary of the date on which the provision was assented to unless it has come into operation on an earlier date.

The law giving effect to a cooperative scheme should become operative in each of the jurisdictions party to the scheme simultaneously. The proposed amendment provides that section 7(5) of the *Acts Interpretation Act 1915* does not apply in relation to the commencement of the principal Act or any provision of the principal Act.

Clause 8: Insertion of new section

6A: Application of Act

New section 6A provides the principal Act and the cooperative scheme do not apply to an act or omission to which section 15 of the *Crimes (Aviation) Act 1991* (Cwth) as in force from time to time applies.

This amendment is required for consistency with the legislation of other parties to the scheme.

Clause 9: Amendment of s. 8—Repeal and transitional provision

This amendment is required for consistency with Victoria and the Commonwealth's legislation.

Clause 10: Amendment of Schedule—The Cooperative Scheme

The amendments to the Schedule are required to reflect the withdrawal of Norfolk Island from the cooperative scheme. They remove references to Norfolk Island.

PART 5: AMENDMENT OF CRIMINAL INJURIES COMPENSATION ACT 1978

Clause 11: Amendment of s. 10—Legal costs

Clause 11 amends section 10 of the principal Act to ensure that the GST payable in respect of legal costs can be recovered by the legal practitioner who is liable for the tax.

PART 6: AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 12: Amendment of s. 254—Escape or removal from lawful custody

Section 254 creates the offence of escaping, attempting to escape or remaining unlawfully at large from lawful custody.

The first amendment to section 254 is to remedy an obsolete reference.

The insertion of new subsection (2a) provides that a term of imprisonment to which a person is sentenced for the offence of escaping, attempting to escape or remaining unlawfully at large is cumulative on any other term of imprisonment or detention in a training centre that the person is liable to serve (*see comments made about clause above*).

PART 7: AMENDMENT OF CRIMINAL LAW (FORENSIC PROCEDURES) ACT 1998

Section 16(1)*(g)* of the principal Act provides that, before a person who is under suspicion consents to a forensic procedure, a police officer must explain to the person that, if information is obtained from carrying out a forensic procedure and the person is subsequently convicted of the suspected offence, or another offence by way of an alternative verdict, the information may be stored on a database.

Clause 13: Amendment of s. 29—Application of this Division

Clause 14: Amendment of s. 30—Order authorising taking of blood samples and fingerprints

Clause 15: Amendment of s. 49—Databases

These proposed amendments have the effect that sections 29, 30 and 49 apply not only where the offender is convicted of the suspected

offence but also where the offender is convicted of another offence by way of an alternative verdict—an approach consistent with that taken in section 16 of the principal Act.

Section 49(2) of the Act is also amended to clarify that DNA profiles can be stored on a database, whether the profiles were obtained during an investigation or subsequent to conviction.

PART 8: AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 16: Amendment of s. 3—Interpretation

This clause proposes to insert definitions of conditional release (meaning conditional release from a training centre) and sale into the principal Act. The sale of property includes conversion of the property into money by any appropriate means.

Clause 17: Amendment of s. 31—Cumulative sentences

The proposed amendment provides that a sentence of imprisonment imposed (for an adult offence) on an offender who is serving a period of detention in a training centre or is on conditional release can be made cumulative on that detention. The current wording of section 31 of the principal Act has been held not to make provision for cumulative sentences in relation to adult persons serving periods of detention in training centres but only to persons serving periods of imprisonment.

Clause 18: Amendment of s. 32—Duty of court to fix or extend non-parole periods

The proposed amendment means that an adult person who commits an offence while on conditional release from detention in a training centre would be treated in a similar way by a court as a person committing an offence while on parole from imprisonment in relation to non-parole periods under this section. These amendments are consistent with those proposed in clause .

Clause 19: Amendment of s. 47—Special provisions relating to community service

The proposed amendments to section 47 are of a statute law revision nature.

Clause 20: Amendment of s. 56—Enforcement must be taken under this Part

The proposed amendment provides for community corrections officers to have standing to bring actions for the enforcement of a bond, community service order or other order of a non-pecuniary nature.

PART 9: AMENDMENT OF ELECTION OF SENATORS ACT 1903

Clause 21: Amendment of s. 2—Power to fix dates in relation to election

The Commonwealth has recently amended its electoral legislation to make a change in respect of the closing date for nominations for elections. The proposed amendment will ensure that South Australia is consistent with the Commonwealth.

PART 10: AMENDMENT OF ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993

Clause 22: Amendment of s. 44—Legal costs

This clause amends section 44 of the principal Act to ensure that the GST payable in respect of legal costs can be recovered by the legal practitioner who is liable for the tax.

PART 11: AMENDMENT OF EVIDENCE ACT 1929

Clause 23: Amendment of s. 66—Taking of affidavits out of the State

The amendment proposes to insert an additional paragraph into section 66 of the principal Act to allow an employee of the Commonwealth or Australian Trade Commission authorised under section 3 of the *Consular Fees Act 1955* (Cwth) to take an affidavit or oath in the place out of the State where that employee is.

PART 12: AMENDMENT OF EXPIATION OF OFFENCES ACT 1996

Clause 24: Amendment of s. 14—Enforcement orders are not subject to appeal but may be reviewed

Current section 14 of the principal Act (which provides for the setting aside of enforcement orders) creates difficulties where enforcement orders are revoked more than 6 months after the commission of an offence. The principal Act provides that a notice cannot be given more than 6 months after the offence was alleged to have been committed. However, it also provides that when an enforcement order is revoked because the applicant failed to receive a particular notice, the applicant will be taken to have been given that notice on the day the enforcement order was revoked. Often this will be more than 6 months after the commission of the offence and hence the notice will be out of time.

Section 14 is amended to include an extra ground for revocation of an enforcement order, i.e., the ground that the alleged offender sent the issuing authority a notice electing to be prosecuted, or naming some other person as the driver (in the case of certain motor vehicle offences), but the issuing authority did not receive it. New subsection (5) provides that if an enforcement order is revoked, all subsequent penalty enforcement orders that may have been made will also be taken to have been revoked. New subsection (5a) provides that, if an enforcement order is revoked on a ground set out in subsection (3)*(b), (c)* or new *(ca)*, then the alleged offender is deemed to have been given a fresh expiation notice on the day of revocation, provided that it is still within the period of 12 months from the commission of the offence. This means that the time for commencing a prosecution for the offence will start to run again.

Clause 25: Amendment of s. 16—Withdrawal of expiation notices

This clause encompasses the provisions of the Hon. Graham Gunn's Bill and provides for a number of subsections to be inserted after current section 16(5). New subsection (6) provides that the issuing authority must withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or that the alleged offender has never received the notice, as a result of error on the part of the authority or failure of the postal system.

An expiation notice cannot be withdrawn under new subsection (6) if the alleged offender has paid the expiation fee or any instalment or other amount due under the notice.

New subsection (8) provides that if an expiation notice is withdrawn under new subsection (6)—

- the issuing authority must, if a certificate has been sent to the Court under section 13 for enforcement of the notice, inform the Court of the withdrawal of the notice; and
- any enforcement order made under the principal Act in respect of the notice and all subsequent orders made under Division 3 of Part 9 of the *Criminal Law (Sentencing) Act 1988* will be taken to have been revoked; and
- the issuing authority may, if the period of 1 year from the date of commission of the alleged offence, or offences, to which the notice related has not expired, give a fresh expiation notice to the alleged offender; and
- the issuing authority cannot prosecute the alleged offender for an alleged offence to which the withdrawn notice related unless the alleged offender has been given a fresh expiation notice and allowed the opportunity to expiate the offence; and
- the time within which a prosecution can be commenced for an alleged offence to which the fresh expiation notice relates will be taken to run from the day on which the alleged offender is given that notice, despite the fact that the time for commencement of the prosecution may have already otherwise expired.

PART 13: AMENDMENT OF MAGISTRATES COURT ACT 1991

Clause 26: Amendment of s. 38—Minor civil actions

Section 38 of the principal Act sets out the principles that are applicable to the trial of a minor civil action.

The first proposed amendment to this section provides the Magistrates Court with the discretion to permit representation of a party by a legal practitioner at the hearing of an interlocutory application.

Proposed new subsections (6) to (9) make it clear that, on the review of a minor civil action by a single Judge of the District Court, the same rules as to representation of a party to the action by a legal practitioner apply as at first instance. The Judge may, in determining the review affirm the judgment or rescind the judgment and substitute a judgment that the Judge considers appropriate.

The Judge may remit the matter to the Magistrates Court for hearing or further hearing if the review arises from a default, or summary, judgment. A decision of the District Court on a review is final and not subject to appeal (although a question of law in a review may be referred to the Supreme Court for determination).

PART 14: AMENDMENT OF REAL PROPERTY ACT 1886

Clause 27: Amendment of s. 277—Regulations

This clause provides that regulations may fix fees and charges for LTO searches and for obtaining copies of searches.

PART 15: AMENDMENT OF WILLS ACT 1936

Clause 28: Amendment of s. 12—Validity of will

This clause amends section 12 of the principal Act to make it clear that an 'informal will' must express testamentary intentions of a deceased person and must also be intended by the deceased person to be his or her will before it can be admitted to probate. New subsection (3) ensures that the informal revocation of a will must be by means of a written document and not by spoken words or conduct.

Clause 29: Amendment of s. 22—In what cases wills may be revoked

This clause makes a consequential change.

PART 16: AMENDMENT OF YOUNG OFFENDERS ACT 1993

Clause 30: Amendment of s. 63B—Application of Correctional Services Act 1982 to youth with non-parole period

The proposed amendment provides that Part 6 Division 3 (release on parole) of the *Correctional Services Act 1982* applies to and in relation to a youth serving a non-parole period in a training centre as if the youth were a prisoner in a prison. This amendment is consequential on the amendments to the *Criminal Law (Sentencing) Act* contained in this Bill.

PART 17: REPEAL OF AUSTRALIA ACTS (REQUEST) ACT 1999

Clause 31: Repeal of Australia Acts (Request) Act 1999

The principal Act must be repealed as it cannot come into force because of the return of a 'no' vote by the Australian people in the referendum on the establishment of a republic.

Mr HILL secured the adjournment of the debate.

STATUTES AMENDMENT AND REPEAL (SECURITY AND ORDER AT COURTS AND OTHER PLACES) BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Environment and Heritage): 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.

On Thursday, September 9, 1999, Wayne Noel Maddeford was listed to appear for sentence on a charge of armed robbery and a charge of assault with intent to resist arrest before Judge David of the District Court sitting in a court room in the Way Building. Maddeford was on bail pending sentence and, on surrendering his bail, was requested to enter the holding cell area to be searched. He declined to do so and assistance was summoned. Before that assistance could be employed to search the prisoner, Judge David entered the court room and began to deliver sentence. When Judge David indicated that he would impose a sentence of immediate imprisonment and completed his remarks, Maddeford vaulted from the dock, produced a knife and appeared intent on getting to the Judge. Maddeford stumbled, grabbed a court reporter who happened to be close by, and held her hostage, threatening to kill her. Maddeford finally surrendered about 4 hours later.

The Sheriff, as the court officer responsible for the security of all persons within court precincts, has compiled a comprehensive report on the incident. The Sheriff has found that the incident was the result of two factors. First, Maddeford entered the dock before the court had convened and second, Maddeford was not searched prior to sentence being passed upon him.

Since the incident, the Sheriff, with the support of the Chief Justice and the State Court Administrator, has put into place more thorough security arrangements. The principal features of the new arrangements are that searches have been implemented at the entrances to court premises at the Sir Samuel Way Building, Adelaide Magistrates Court, Adelaide Youth Court, and the Elizabeth and Port Adelaide Magistrates Courts. The entry searches consist of an 'airport style' walk through metal detector, an x-ray scanning device for baggage and a hand held metal detector and body pat down procedure where indicated. Hand held metal detector searches have been put in place at the Holden Hill and Christies Beach magistrates Courts. The Courts Administration Authority wants to extend these procedures and make them comprehensive.

However, the current legislation does not clearly give the Sheriff the legal authority to search people in this way. Certainly, the rules of what is and what is not allowable have not been before the Parliament and spelled out in legislation so that everyone may know their rights and obligations. The issues are complicated by the notion, firmly established by the highest of authorities, that there is a principle of open justice at common law, whereby the public is entitled, in the absence of any rule to the contrary, to attend a court hearing and see and hear justice done. There is no statutory authority for subjecting any person to a search at the entrance to a court building as a condition for the exercise of that right. It may be that the inherent power of the court suffices for the security arrangements to be carried out. But the matter should be addressed by Parliament and the rules publicly debated and put into place.

That is what has happened interstate. As a matter of practice, court security is governed by statute in the Victorian *Court Security Act*, 1980; the Queensland *Law Courts and State Buildings Protective Security Act*, 1983 as amended by the *Law Courts and State Buildings Protective Security Amendment Act*, 1998; the Northern Territory *Court Security Act*, 1998; the Tasmanian *Admission to Courts Regulations*, 1995; and, in process, the Western Australian *Court Security and Custodial Services Bill*, 1998. Each is different and there is no great display of commonality of treatment, although there is a degree of commonality of result, generally speaking.

There are a large number of issues that must be addressed in framing such legislation. That is in itself a reason for taking the issues through the Parliamentary process. The issues are discussed in some generality in the discussion which follows.

The legislation deals with security in relation to 'participating bodies'. 'Participating bodies' are defined to mean the courts that are participating courts within the meaning of the *Courts Administration Act* 1993, and any other body declared by regulation. The provision for declaration by regulation is to enable the addition of other bodies for whom the Sheriff may be responsible for security. An example might be an ad hoc body such as a Royal Commission.

Responsibility for court security in 'participating bodies' is now vested in the Sheriff and that will continue to be the case. As a result, court security matters fall under the aegis of the *Sheriff's Act 1978*. The powers of Sheriff's officers, particularly court orderlies are also partly contained in the *Law Courts (Maintenance of Order) Act* 1928 and it is convenient that the latter should be repealed and the law on the subject should be merged into the same statute. The *Law Courts (Maintenance of Order) Act* 1928 is the product of a different age enacted for different purposes and has outlived its utility as a separate instrument.

The Sheriff should be able to exercise his powers through persons appointed by him. These persons may or may not be persons appointed under the *Courts Administration Act* 1993. The Sheriff is responsible to the principal judicial officer of the relevant court or other body in relation to the general level of security in and around the court or other body for which that person has responsibility.

The Bill is then set out as follows. Division 2, containing proposed section 9D, sets out the general powers of security officers. Division 3, containing section 9E, contains the powers of search required as a result of the hostage taking incident. Division 4 contains some consequential matters which will be explored in more detail below and then some miscellaneous amendments are made.

So far as general powers are concerned, there is first a general power granted to court security officers to give reasonable directions to those who are on or within the precincts of court premises for the purposes of maintaining or restoring court security or securing the safety of persons attending court. This power includes the power to refuse entry to or expel a person from court premises where that course of action is reasonably necessary for the maintenance of court security or order in court premises. It will occur, in particular, when a person refuses to comply with the reasonable directions of a court security officer. Reasonable force is authorised for the purpose.

Second, there is a sequence of conditions under which a security officer may take another person into custody in various ways. They include cases in which a person refuses to comply with the officer's lawful directions, a person is behaving in an unlawful manner, a person is being brought into court in custody, where the person is on bail but the bail is revoked, where a person surrenders into lawful custody, where a person has escaped lawful custody or appears to have escaped, and where the security officer is ordered to take steps by the presiding officer to take a person into custody or to restrain a person appearing before the court. In cases of escaped prisoners, the power is one of arrest. In the case of unlawful behaviour, the security officer is given a discretion to exclude the person from the premises or to detain the person until he or she can be surrendered to the police (as the case may require). In other cases, the officer keeps a person in custody for the purposes of the court itself.

Third, the section contains a power to seek information reasonably required for the purposes of determining whether a person is entitled to attend particular proceedings. A security officer may exclude a person from the proceedings if the person refuses to provide relevant information or if there are reasonable grounds to suspect that the person is not entitled to attend the proceedings.

So far as the power to search is concerned, the key to the structure of the rights and obligations conferred by the section is the distinction made by the section between those who are obliged to attend the court or other body for any reason and those who are not so obliged. In relation to those who are not obliged to attend, the policy objective of the section is that the right to attend court and other participating bodies is to be subject to the search regime set out in the section by consent. If the person does not consent, the security officer is entitled to exclude the person from the premises of the court or other body using such force as is reasonable in the circumstances. Put another way, a person not obliged to attend the court is not obliged to be searched. He or she has a choice in the matter.

The situation is different where a person is obliged to attend court. In such a case, excluding the person from the court would both frustrate the business of the courts and provide people with an excuse for not complying with their legal obligations. In such a case, therefore, in the interests of court security, a person obliged to attend court is also obliged to be searched as set out in the proposed section as a part of that legal obligation. For this purpose, the Bill provides a definition of a person obliged to attend court, and a statement that a person obliged to attend court is not excused from that obligation or any other requirement or undertaking because he or she has been lawfully removed from or denied access to court premises. It also allows a security officer to require a person to state whether he or she is required to attend the court and, if there is a refusal, deems that person to be required to attend.

In either case, the Bill provides a regime for the manner and conduct of the search at the entry to court premises. The Bill proposes to allow the non-contact search of the person in the first instance by a scanning device and the search of belongings either by a scanning device or physically. One might describe this regime as 'airport' type security. This is, of course, a power of random search in the sense that there need be no grounds for believing that the person to be searched has anything which might be a security risk on or about his or her person. Where there are reasonable grounds for believing that there is a security risk item in the possession of the person, the Bill proposes a power to require that the item be produced and for a more thorough physical search of the person. By contrast, where a person is required by law to attend court, that more thorough physical search may be conducted if necessary without the requirement that there being reasonable grounds to do so.

It should be noted that there are some protections built into the Bill. These are that the search must be carried out expeditiously and in a manner that avoids undue humiliation of the person, and, in relation to a physical search, a person cannot be required to remove inner clothing or underwear, nothing may be introduced into an orifice of the person being searched and, where practicable, there should be at least two persons present and the search should be conducted by a person of the same sex as the person being searched. In addition, a physical search should be conducted in a manner that, so far as is practicable, respects the cultural values or religious beliefs of the person being searched.

The Bill also provides for the familiar mechanism of enabling court security to require that an item that falls within the definition of a restricted item be lodged with court security for safe keeping while the person is on court premises to be returned, when the person leaves. If the item is one which it is unlawful to possess, such as illicit drugs or an illicit weapon, court security is given the power to detain the person or the item to be handed over to the police as soon as reasonably practicable or both.

There are three further matters which should be mentioned. First, the Bill proposes a series of amendments to the *Ombudsman Act* 1972 which are designed to give the Ombudsman a jurisdiction to hear complaints in relation to the exercise of the powers by the sheriff and sheriff's officers. This is done because, where significant powers are given over the freedom and liberty of the subject, it has been the generally accepted rule for many years now that there should be a body, external to that exercising the powers, to which a citizen should be able to go in order to get an independent examination of any complaint that he or she might make.

Second, the Bill proposes amending the *Courts Administration Act* 1993 so as to enable the State Courts Administration Council to delegate its authority under the Sheriff's Act as it is proposed to be amended in this Bill in relation to the provision of court security to the Sheriff.

Third, the Bill proposes a widening of the power to make regulations on the recommendation of the State Courts Administration Council in order to provide scope for detailed rule making about court security should the need arise.

I commend this bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2

AMENDMENT OF SHERIFF'S ACT 1978

Clause 4: Substitution of long title

The long title is altered to reflect the inclusion in the Act of duties and powers relating to security and order at courts and other places.

Clause 5: Insertion of Part 1 heading

This measure divides the Act into Parts to assist in organisation of the new material proposed to be added to the Act.

Clause 6: Amendment of s. 4—Interpretation

The amendments—

- add the Youth Court to the definition of court;
  (Sections 7 (Provision for case where sheriff should not execute process), 8 (Duties of the sheriff) and 9 (Sheriff to attend at sittings) will apply in relation to the Youth Court as well as the Supreme Court, District Court, Environment Resources and Development Court and Magistrates Court.)
- insert definitions relevant to proposed Part 3 dealing with security and order at courts and other places.

Clause 7: Insertion of Part 2 heading

Provisions dealing with matters of administration relating to the office of the sheriff and to the appointment of officers are designated as Part 2 of the Act.

Clause 8: Amendment of s. 6—Deputy sheriffs and sheriff's officers

Currently section 6 envisages that sheriff's officers (other than members of staff of the State Courts Administration Council) will receive the fees prescribed by regulation. These fees relate to various matters of execution of process.

Under the proposal section 6 may be used for appointing not only officers to execute process but also officers to act as security officers. Consequently, there needs to be a greater level of flexibility for determining the remuneration and other terms and conditions of appointment of the officers.

The amendment provides that those sheriff's officers who are not members of staff of the State Courts Administration Council will be appointed on terms and conditions approved by the Council.

Clause 9: Amendment of s. 9—Sheriff to attend at sittings

Section 9 of the principal Act is amended so that the sheriff is required to have an officer attend any criminal session of a court (as defined—see the explanation to clause 6).

Clause 10: Insertion of Part 3—Security and Order at Courts and Other Places

A new Part is inserted dealing with the sheriff's duties in relation to security and order at courts and other places.

DIVISION 1—ADMINISTRATION

9A. Sheriff's responsibilities

This section sets out the general responsibility of the sheriff in relation to the maintenance of security and orderly conduct at the premises of participating bodies.

A participating body is a participating court within the meaning of the *Courts Administration Act 1993* or a person or body declared by regulation to be a participating body.

Currently the participating courts under the *Courts Administration Act 1993* are as follows:

- the Supreme Court;
- the District Court;
- the Environment, Resources and Development Court;
- the Industrial Relations Court of South Australia;
- the Youth Court of South Australia;
- the Magistrates Court;
- coroners' courts;
- Court of Disputed Returns established under the *Local Government (Elections) Act 1999*;
- Warden's Court;
- Dental Professional Conduct Tribunal;
- Equal Opportunity Tribunal;
- Legal Practitioners Disciplinary Tribunal;
- Medical Practitioners Professional Conduct Tribunal;
- Pastoral Land Appeal Tribunal;
- Police Disciplinary Tribunal;
- Soil Conservation Appeal Tribunal.

9B. Security officers

This section provides for appointment by the sheriff of sheriff's officers as security officers.

9C. Identification of security officers

This section requires a security officer to be issued with an identity card (which may employ a system of identification using a code rather than a name) and to produce the card for inspection at the request of a person in relation to whom the officer intends to exercise powers.

9CA. Arrangements under which police officers may exercise powers of security officers

This section enables the sheriff to enter into an arrangement with the Commissioner of Police under which police officers may be authorised to exercise the powers of security officers on a temporary basis.

DIVISION 2—GENERAL POWERS

9D. General powers

This section sets out the general powers that may be exercised by security officers. The provision is based on the powers and functions of court orderlies under the *Law Courts (Maintenance of Order) Act 1928* (proposed to be repealed by this measure).

The powers are—

- to give a person on or within the precincts of the premises of a participating body reasonable directions for the purposes of maintaining or restoring security or orderly conduct at the premises or for securing the safety of any person arriving at, attending or departing from the premises (subsection (1)*(a)*);

  (It is an offence not to comply with a direction—see subsection (2).)
- to deal with a person who refuses to comply with such a direction or who is behaving in an unlawful manner by refusing entry to or removing the person or by handing the person over into the custody of a police officer (subsection (1)*(b)*);
- powers related to persons in or to be taken into lawful custody (subsection (1)*(c)* to *(e)*);
- to arrest an escapee (subsection (1)*(f)*);
- to act at the direction of a participating body in relation to security or orderly conduct of proceedings (subsection (1)*(g)*);
- to exclude persons not entitled to attend particular proceedings and to seek information for the purpose of determining a person's entitlement to attend (subsection (1)*(h)*).

DIVISION 3—POWERS OF SEARCH

9E. Conduct of search for restricted items

This section sets out the powers of security officers to conduct searches of persons on or about to enter the premises of a participating body. The reference to premises extends to any place exclusively occupied by a participating body in connection with its operations (whether on a permanent or temporary basis).

The searches are conducted for the purposes of finding restricted items. A restricted item is defined as—

- an explosive, an explosive device or an incendiary device;
- a dangerous article, firearm, offensive weapon or prohibited weapon, in each case within the meaning of section 15 of the *Summary Offences Act 1953*;
- an item that a person is prohibited from using or possessing while on the premises (or a particular part of the premises) of a participating body by rules of the body or by direction of the body or a member of the body given generally or in a specific case;
- any other item that is reasonably capable of being used to jeopardise the security of persons or property or the orderly conduct of proceedings.

A security officer is entitled to ask any person on or about to enter the premises whether the person is required by law to attend the premises (see subsection (1)*(b)*). If a person is required to attend, additional searching powers are available. If a person refuses to answer, the security officer may regard the person as being required by law to attend (see subsection (7)).

New section 4(2) provides that, for the purposes of the measure, a person is required by law to attend the premises of a participating body if, and only if—

- the person is brought to the premises in lawful custody; or
- the person attends the premises as required by the terms or conditions of a bail agreement; or
- the person attends the premises in obedience to an order, summons, subpoena, or any other process having the same effect as a summons or subpoena, made or issued by the participating body or a member or officer of the participating body;
- the person attends the premises in obedience to a summons under the *Juries Act 1927*.

Under subsection (1)*(a)* security officers may carry out searches of persons and possessions by means of scanning devices and physical searches of possessions in the ordinary course of their duties.

Under subsection(1)*(b)* and *(c)*, a person may be frisked by a security officer but only if the person is required by law to attend or there are reasonable grounds for suspecting that a restricted item is in the clothing or on the body of the person. A person may be asked to remove outer clothing but not inner clothing for the purposes of such a search. A person may be asked to open his or her mouth but force cannot be applied for that purpose nor anything removed except by or under the supervision of a doctor. Except in circumstances where it is not practicable, a witness must be present and the search must be carried out by an officer of the same sex as the person being searched. The search must be carried out expeditiously and in a manner that avoids undue humiliation of the person and, as far as reasonably practicable, avoids offending cultural values or religious beliefs genuinely held by the person.

The power of search is provided in a manner that avoids the need for security officers to require people attending court to identify themselves.

If a person refuses to be searched, they may be refused entry to or removed from the premises. In doing so, a security officer may use only such force as is reasonably necessary for the purpose. If the person is required by law to attend, a security officer may apply reasonable force to secure compliance with the search requirements.

DIVISION 4—MISCELLANEOUS

9F. Dealing with restricted and other items

This section sets out what a security officer may do with items found in the possession of a person who is on or about to enter the premises of a participating body. The section will apply whether or not the item is found in the course of a search conducted under Division 3.

The items covered are restricted items, items that an officer believes on reasonable grounds to be restricted items and items that an officer believes on reasonable grounds to be in the unlawful possession of a person.

The options open to a security officer are—

- to refuse the person entry to or remove the person from the premises, using only such force as is reasonably necessary for the purpose;
- if the officer believes on reasonable grounds that the person is in unlawful possession of the item—to cause the person and the item to be handed over into the custody of a police officer;
- to require the person to surrender the item;
- if a person who is required by law to attend the premises refuses to comply with a requirement to surrender an item—to apply reasonable force to remove the item from the person's possession.

Any item surrendered or removed is to be held in safe keeping while the person is on the premises or, if the item is believed to have been in the unlawful possession of a person, handed over into the custody of a police officer.

9G. Security officer may act on reasonable belief that person required by law to attend premises

This section ensures that a security officer acts lawfully in exercising powers if the officer believes on reasonable grounds that a person is required by law to attend the premises of a participating body.

9H. Refusal of entry to or removal from premises is no excuse for non-attendance

This section provides that the fact that a person is lawfully refused entry to, or removed from, premises or a part of premises under this Part is not, for the purposes of any Act or law, an excuse for non-compliance with a requirement or undertaking to attend the premises.

Clause 11: Insertion of Part 4 heading

This amendment is consequential on the proposed division of the Act into Parts.

Clause 12: Substitution of s. 10

Section 10 is updated so that it applies the procedure on arrest in relation to all participating bodies.

Clause 13: Amendment of s. 11

These amendments are consequential and ensure that the offence of hindering extends to the exercise of powers by a security officer and the offence of false representation extends to representation as a security officer.

Clause 14:Insertion of s. 15A—Non-derogation

The new section provides that nothing in the Act derogates from the powers of the sheriff or a participating body under any other Act or law.

Clause 15: Amendment of s. 16—Regulations

Section 16 is amended to provide general regulation making power as regulations are contemplated by provisions inserted by this measure. Regulations are to be made on the recommendation of the State Courts Administration Council. The one exception is the existing power to make regulations prescribing fees payable to the sheriff in relation to the sheriff's duties.

Clause 16: Statute law revision amendments

Amendments of this nature are set out in the Schedule.

PART 3

AMENDMENT OF COURTS ADMINISTRATION ACT 1993

Clause 17: Amendment of s. 12—Delegation

This amendment simply ensures that the State Courts Administration Council may delegate powers that it has under Acts other than the Courts Administration Act. Under the amendments to the Sheriff's Act the Council is given power to approve terms and conditions of appointment of sheriff's officers who are not members of the staff of the Council.

PART 4

AMENDMENT OF OMBUDSMAN ACT 1972

Clause 18: Amendment of s. 3—Interpretation

Administrative act is currently defined so as to exclude an act related to the execution of judicial process. This exclusion is removed so that the exercise of powers by sheriff's officers in relation to the execution of process will be subject to the Ombudsman's scheme. The exclusion of an act done in the discharge of a judicial authority remains.

The sheriff is included as an authority to which the Act will apply.

Subsection (2) is altered so that it is clear that the sheriff will be responsible for the acts of deputy sheriffs and sheriff's officers.

Clause 19: Amendment of s. 9—Delegation

The opportunity is taken to ensure that powers given to the Ombudsman under other Acts may be delegated.

Clause 20: Amendment of s. 19A—Ombudsman may issue direction in relation to administrative act

Section 19A allows the Ombudsman to direct an agency to refrain from performing an administrative act for a specified period. Since this would be inappropriate in relation to the execution of judicial process or the exercise of other duties of the sheriff, the amendment provides that the section does not apply in relation to the sheriff.

Clause 21: Amendment of s. 25—Proceedings on the completion of an investigation

The amendment requires a copy of any report of the Ombudsman in relation to the sheriff to be given to the State Courts Administration Council as well as to the Minister.

Clause 22: Amendment of s. 30—Immunity from liability

The opportunity is taken to extend the immunity provision to acts carried out under other Acts.

PART 5

REPEAL OF LAW COURTS (MAINTENANCE OF ORDER) ACT 1928

Clause 23: Repeal

The Act is repealed.

Clause 24: Transitional provision

The transitional provisions deal with ensuring that court orderlies remain in employment as sheriff's officers.

SCHEDULE

Statute Law Revision Amendments of Sheriff's Act 1978

Mr HILL secured the adjournment of the debate.

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

The Legislative Council insisted on its amendments to which the House of Assembly had disagreed.

Consideration in committee.

The Hon. M.K. BRINDAL: I move:

That disagreement to the amendments be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Brindal, Hill, Koutsantonis, McEwen and Williams.

GROUND WATER (QUALCO-SUNLANDS) CONTROL BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 1317.)

Mr HILL (Kaurna): I indicate that the opposition will support this legislation. This interesting and novel socialist measure that the government is introducing is a way of collectivising irrigators in this section of the Riverland and ensuring that their practices are conducted in a way that minimises damage to the river. In fact, the trust that will be established will reduce the amount of salt going into the river by some 6 EC units. So, there is a net benefit not only to the irrigators themselves but also to the state. The trust will be funded jointly between the commonwealth and state contributions, and the irrigators themselves. The state and federal governments are paying about 55 per cent of the total cost, and the irrigators are paying 45 per cent. The capital upfront costs will be paid jointly by the National Heritage Trust, which is putting in about $3.5 million, and the state contribution, partly through state NHT contributions and partly through the local water catchment authority, of about $3.5 million. The ongoing costs will be paid for by the irrigators themselves through the trust of about $260 000 a year, which I understand will be indexed over the course of 30 years.

It is a sensible measure. One hopes that it will ensure sustainability of the irrigation businesses along the Qualco-Sunlands area and, as well, ensure an environmental benefit to the tune of about 6 EC units per year. I do not intend to say a lot about this bill, although I would like to ask some questions during committee. In particular, I am curious to know what effect not all the irrigators in that district participating in the trust may have on the operations of the trust and also on the environment. I am also curious to know what happens to the various obligations should the trust fall over at some subsequent time. I have a number of questions about the technicalities of the trust. It is a very complex bill, with some 58 pages of clauses, although I will not be asking three questions on each of those clauses. I will not take up the time of the House for the next seven or eight hours—or seven or eight days—but it is a very long bill to consider and I do have some questions to ask. As I said, the opposition will support the legislation.

Mrs MAYWALD (Chaffey): I rise to support the government on this bill. This has been an initiative of the state government to actually address a specific problem in an area of the Riverland, just east of Waikerie. I commend the

state government not only for the contribution it is making towards the funding of the capital works of this project but also for the patience which the government, government departments, Crown Solicitor's officers, project officers and the community have shown in coming to a resolution on the cost-sharing benefits of this scheme.

This is ground breaking legislation, which will possibly be used as a model for future schemes such as this one and, as a consequence, it was a difficult piece of legislation for the community and the agency to agree on. However, after many years, and consultation until the cows came home, we finally arrive at this place with a piece of legislation that in general has broad community and government support. It is a project worth $7.2 million in up-front capital works. It is a project that has been funded 50 per cent by NHT and 50 per cent by state contributions in capital works up front. That also includes a contribution from the River Murray Water Catchment Management Board of $1.152 million—a significant contribution.

The Qualco-Sunlands district comprises about 2 700 hectares of irrigated land and has the potential to expand to 4 000 hectares. It plays an important role in the horticultural industry in the Riverland and is located in the Murray Darling Basin. As a result of 40 years of irrigation in that area, we have seen a ground water perched mound develop underneath the irrigation area, and this has created problems not only for irrigators and on-land and on-farm problems but also in the pressure that it is incurring in forcing the salt water from the underground ground water table out into the river.

There are a variety of benefits not only to the state but also to local irrigators, and that is why the cost sharing of this scheme was so vitally important. There is a modelled benefit of about 6 ECs to the river in relation to salt loads at that point of the river. This in itself is significant, but there is also a benefit to the community and as such the cost sharing basis that has been agreed upon is that the government will actually fund the scheme up front and the growers and irrigators in the area will fund the maintenance and operation of the scheme for 30 years.

It has been a long, hard road to get to this point, but it is fantastic to see that we are at a stage where a partnership has been agreed and this legislation is now before the House. We see the potential for economic growth in the region as a result of this scheme, and irrigators can now go forward knowing that the impact they are having on the river has been greatly reduced and that the management of their on-farm practices and the irrigation in that area will significantly impact on the costs associated with their pumping the water from underneath the ground. So, there is an incentive for the growers to improve their irrigation to reduce the cost to themselves, and this is a positive way of addressing such issues.

I commend the legislation to the House and also commend the community and all those who have been involved in negotiating and bringing this scheme to fruition. I particularly mention the committee that has worked in conjunction with the project manager in the departments. They have laboured for hours over legislation, proposals and proposed amendments to get to this stage, and the community has put in an enormous effort, as have the departments and the project managers and their office. Without any further ado, I commend the legislation to the House.

Mr LEWIS (Hammond): This piece of legislation sets out to address the problems that have arisen in consequence of irrigation practices which were, at the time they were introduced, thought to be efficient but which have been discovered in the fullness of time to be both inefficient and unsustainable. I well remember when I first suggested to the Department of Agriculture, as it was then known in 1967, that in due course the problems to which such campaigners as Jack Seekamp had been drawing attention for several years with respect to salinity build-up, particularly through the development of ground water mounds under irrigation areas, could have been solved or at least ameliorated had the irrigation systems in use been altered. At that time the vast majority of the Riverland was being irrigated by furrows or flood bays.

It was thought that the use of new, low-application rate sprinklers, which then led to the development of low-projectory, under-tree, low-application-rate sprinklers was even better than the typhoon sprinklers developed by Simpson Pope in conjunction with the Adelaide University and Bob Culver. The changes that were made, whilst low in cost per unit area, were not sustainable in the long term. No requirement was imposed on the irrigation controlling authority, whether that authority was the grower who owned the block or someone to whom that grower in, say, Sunlands or Qualco in particular delegated their authority as group managers, or indeed a government irrigation trust; the water was simply applied regardless of the weather. If it rained an inch last night and your block was in line for an irrigation, almost without exception you still had to take the water. As inane, inefficient and idiotic in effect as it was, that was nonetheless the practice.

Mr Hill interjecting:

Mr LEWIS: Yes, pretty much—sad, but true. I agree with the member for Kaurna that something better needs to be done around the metropolitan area's parks and gardens, in particular in the Adelaide city area, to take back control of the automatic sprinkler systems which spray out water all over the place, regardless of whether it has been raining, is raining or not and regardless of whether the water is needed. It is simply programmed and done. There are better ways of doing it, and they need not be labour intensive. They can be controlled by sensory devices that determine when soil moisture levels are so low as to warrant the application of more water, and those same soil water sensory devices determine how much water needs to be applied and therefore how long the irrigation system in question needs to operate.

In particular, back in the Riverland, where we were seeing these irrigation practices persisting without regard for the consequences, we have learnt to our cost now that we could have used what I was advocating ought to have been used then, namely, trickle irrigation or, as some members may otherwise know it, drip irrigation. That had been tested in lysimeters and I have told the House about my own work in that regard previously and the work I saw being done and assisted with both in Ascot Vale and Scoresby in Victoria, as well as in the UK at Reading and more particularly in the Negev Desert in Israel. However, it takes a long time to ring in those changes, in consequence of which we not only created the problem but also compounded it to the point where we were going to drown the very districts in which the crops were being grown and, by that means, drown the revenue base of the people who live there—the incomes they needed for themselves, their families and communities—if we did not begin to remove the ground water which had accumulated and which was otherwise then beginning to destroy the very river itself from which it had been originally drawn, as well as to destroy the plantations to which it was

being applied. It was as though we had not seen that lesson before. But we had. We had seen the consequences of unsustainable irrigation practices and the limited vision of what happens when inappropriate soil types are used in inappropriate locations.

In the Murrumbidgee irrigation area in the 1920s, thousands of acres of irrigated land was lost because of the build-up of the ground water table and the endemic spread throughout the region of phytophthora (root rot). We have only to look at the lessons of history, even as recorded in the Bible, and in more recent times what has been discovered about the consequences of excessive application rates of irrigation water to areas of land in a way which was unsuitable in Mesopotamia, what it did in Babylon, and so on. No-one seems to know when sufficient is enough until there has been too much. I lament the fact that we always take action later than would have been desirable—sometimes too late to save some people and to save some of our more valuable resources. We have wasted the water, we have wasted the ground, and we have created a problem that will be there for hundreds upon hundreds of years if we get it right from now on.

An honourable member interjecting:

Mr LEWIS: Well, I am not trying to be holier than thou. I am just asking members to remember this instance. I commend those advisers, particularly people such as Jim Zissopoulos who had a great deal to do with the kind of work to which the member for Chaffey alluded in the course of her remarks; and other men and women who came before the parliamentary Public Works Committee and gave evidence in support of the proposal. I commend them for what they have done, and I commend them, too, for the manner in which they have set out to explain it to the public so that the public can more easily understand it from now on. Even though it might cost more now to put on the water than it used to, it means you will be able to go on doing it for a very long time, if not in perpetuity. We are paying now more than we otherwise would have paid if we had changed those bad practices a long time ago: we are paying because we have to do what this bill authorises us to do as a government and what the Public Works Committee has found is necessary. We are doing it at the cost of taxpayers: 50 per cent contribution from the commonwealth and 50 per cent from this state government. That is why it is, in part, in this House; 50 per cent is being contributed through the mechanism of the Murray River Catchment Water Management Board.

Natural Heritage Trust funds are very welcome but, I repeat, it is sad that it had to come to this. It could have been avoided. I hope that, in future, engineering analysis of the long-term consequences will be undertaken and that there will be a separation of rhetoric from fact in the decision making process; and that there will be a separation of reliance upon gut feelings from reliance on good science in determining what can be and what cannot be, what might be and what should not be.

I want to say one other thing, that is, the less water we use higher up the river, the less damage there will be to that river and our ability as a society to continue to make use of the freshwater it contains. To put it another way, the greater the amount of water we allow to run down the river systems, and the farther down the river systems it goes before it is used for irrigation, the greater will be the length of time over which we can make use of it and the less will be the costs to us as a society and to each individual operator of our use of that water, because the closer we get to the sea the less risk there is of the damage that the inappropriate application of that water can do by mobilising the salt which is inherently in the subsoil strata in much of the Murray Basin. We all know that basin was under the sea for a very long time. The salt is therefore in the soil that is left as the land has lifted relative to the sea level and no longer in the sea, as we know.

It is for that reason that I connect to these remarks the necessity for us to continue to pursue the policy with all vigour and haste of securing and metering the diversions so that when they are metered they become part of what is permissible for land owners and irrigators to sell to other people who could use it; so that the licence can be transferred from one place where it is not likely to be sustainable in the long haul to another place where it certainly will be sustainable for a long time and in all probability generate far greater revenue for the society and far better profits for each person engaged in the use of the water for those irrigation purposes.

It just so happens that we in the Lower Murray are blessed with a climate second to none in the world for the production of horticultural crops that can get great benefit from supplementary irrigation; and in the Lower Murray it will do no damage whatever to any of the towns which depend upon the Murray if it is used there, and it will do no damage to the future prospects of those towns and the people who live in them upstream where they depend upon the Murray. It is not just a matter of this being a technical fix for the problem in this area. In addition to that, the House needs to remember it has a job to do to shift the water to where it will cost less, be more sustainable, generate more profit, create greater prosperity and reduce undesirable detrimental consequences for the environment overall.

Mr HANNA (Mitchell): I rise briefly to speak in support of the bill. Clearly, anyone who thinks about the future of South Australia realises the long-term high priority of water resources in the state, particularly in respect of the Murray River. We rely on it so heavily, particularly in dry years. I have learned a lot about the problems of the Murray River through membership of the select committee of this House which is examining issues arising from the Murray River, and that is why I speak in support of this bill. With its complex response to the problems of irrigation, water use and salinity, I see it as a model which should be replicated not only on the South Australian side of the border but also in other regions. It is very pleasing to see the fruition of what, obviously, has been years of work from government, local irrigators, local government and many other contributors, in the form the bill presents today.

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank all members for their contribution and acknowledge the genuine commitment that those members who addressed the House feel on this subject. The shadow minister in his remarks said that this was a good piece of socialist legislation. I point out to the shadow minister there is an element of freedom of association in this bill. Of course, I support that; I am bringing the bill before the House. However, along with the member for Chaffey, I would have been more excited if every irrigator in the district had seen fit to include themselves voluntarily in the scheme at this stage. The fact is that they have not, and that suggests that this House and the people of South Australia still have a way to go in terms of the education of the people of this state—but this bill is a start.

To conclude my remarks, I would say for the public record that, as the member for Hammond said, those who are volunteering to associate themselves with this bill are redressing a problem that is some decades old and acknowledging their responsibility. Those who are not doing so risk a more onerous task in the future, because for some years it has been the agreement of all signatories involved that the damage we do and the impact we have on the river we will redress. That compact has not been observed in full as yet; I believe it will be observed in the future. The requirement for it to be observed will not come solely from this place: it will come from all the parliaments and all the peoples of Australia.

The Murray-Darling Basin is not the property of any individual Australian or of any individual jurisdiction. It is something which we hold briefly in trust for our children, our grandchildren and their children. It would be irresponsible for this House or any House elected by the people of this country to squander that resource. As salinity becomes (as it will) an increasing problem in the Murray-Darling Basin, the people of this country will demand from this and houses like it that we introduce measures such as this which may be—in the words of the shadow minister—much more socialist and much more compulsory than this measure. If I am still here (and I doubt I will be) I will stand as a member of this place to say that this is not a socialist measure: this is a measure for the protection of our environment and to provide the legacy which we would leave our children and grandchildren. While I am not a socialist, I do believe that this House has an absolute right and indeed duty to protect that which needs protecting.

The environment is most important and in need of our protection, not for its own sake (although that is an issue) but also because if we do not protect the environment we will not be able to sustain the present levels of agriculture and practice and the wealth of the basin. So, sustaining the environment is not solely about the frogs and bulrushes and those beautiful things that we all love and treasure: it is also about a healthy system which feeds us and from which we can derive nurture and economic benefit. The two are not exclusive: they are inclusive.

I thank members of the House for their support of this measure. I acknowledge the member for Chaffey and others in the area who have worked hard and for whom it would have been easier at times to walk away from the issue, especially with the dissenting voices who too often demanded their own way. But the fact is that in that area the majority of voices were calm, reasoned and responsible in accepting that there is a problem which they helped to create and which they must now help to fix. I commend those people, and exhort those who are not yet part of the solution to be so because, if they are not part of this solution, this House will make them part of a future solution that may be much less palatable.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. M.K. BRINDAL: I move:

Page 6, after line 11—Insert new definition as follows:

'2000/2001 contribution year' means the period—

(a) commencing on a date (whether falling in the year 2000 or 2001) to be fixed by the minister, by notice in the *Gazette*; and

(b) ending on 30 September 2001;

Page 9, after line 25—Insert new subclause as follows:

(8) In this act, a reference to 'contribution year' includes a reference to the 2000/2001 contribution year.

Amendments carried.

Mr HILL: The next clause is headed 'Provisions related to irrigation districts', but I could not find a definition of 'irrigation districts'. Can the minister explain why that does not appear in the definitions and what an irrigation district is?

The Hon. M.K. BRINDAL: Irrigation districts are often defined by a particular act of parliament, as the shadow minister would be aware. For instance, the irrigation district of Loxton is generally defined in the manner shown in schedule 1 on page 56, which defines the irrigation district on a map. As the shadow minister would acknowledge, when you are doing something geographically it is probably much easier and involves much less argument with lawyers if we set it out on a map as given on page 56 rather than trying to define it in words. So, the irrigation district is defined by the borders within that map.

Mr HILL: That may well be the case, but as I read it the bill does not actually state that in the introductory section. It would make it much more understandable if 'irrigation district' were listed under the interpretations with a reference to schedule 1. As you are reading through the bill that is not immediately clear.

The Hon. M.K. BRINDAL: It is done by reference throughout to a scheme area, which is then defined in schedule 1. However, I take the shadow minister's point and I undertake that between the houses I will have it investigated. If it can be made more readable and more easily understood by those who read it after we pass the legislation, I undertake to have the material inserted when the bill is between the houses.

Mr HILL: I refer to subclauses (2) and (3) on page 8, under 'Interpretation', which describe—as I understand it—what happens if a person or corporation owns two or more irrigation properties. As I understand it, those provisions and clause 5 explain that if I own a property, and my brother or my wife own another property, for the purposes of this act they are taken to be the one property. Will the minister explain why that is the case? Why are they not considered to be separate properties?

The Hon. M.K. BRINDAL: It maintains what we thought to be the easiest way to define 'fairness' because it is a single property. It is probably a capacity of the division of who pays what. Secondly, and probably more importantly, it relates to voting rights. If it simply stated that if one owns two or more properties and they are aggregated for the purposes of this act as one property, and they are charged as one property, they can only exert one voting right in respect of the aggregated property.

The danger if we had another definition, I am told, is that people might seek to subdivide their property into the minimum possible parts so as to exercise at a meeting a number of voting rights. As a matter of fairness, we thought that whatever land one owned within the scheme was an area of land and that area of land contributes to the quantum of the problem and, therefore, ownership should be defined in terms of the area owned—the quantum of the problem—and that reflects back on the amount one pays towards the running costs of the scheme in the year subsequent to its establishment.

Mr HILL: I have read clause 3(6) several times but I am not entirely clear what it means. Will the minister summarise the section in plain English?

The Hon. M.K. BRINDAL: As I understand it, a 'perched water table' (I welcome the member for Chaffey to nod vigorously or do something if I get it wrong) sits above the saline water table, sometimes (although not necessarily) separated by a clay layer. If it is not separated by a clay layer, it is generally referred to as a 'lens' because it is fresh water floating on saline water. In this case, I think there is some interconnectivity but separation also by Mount Barker clay—

Mrs Maywald: Blanchetown.

The Hon. M.K. BRINDAL: Blanchetown clay. I always get the clays muddled up. The point with some of the perched water table is that it is actually potable water. It is water that was used for irrigation, has gone below the surface and is actually reclaimable and reusable. Because when it is taken from the river and put onto the land that water is accounted for, this section provides that if the water is retrievable and reusable it is not double counted. It protects against double counting where it is possible for someone to reclaim and reuse the water.

I think the shadow minister would agree that it is a fairly well thought out provision because it positively encourages some irrigators. Rather than having the water go down to the perched water table and saying, 'Well, that is lost; forget about it,' it acts as an encouragement for them to reuse that perched water table as many times as possible because it is good practice for them and will save them money.

Clause passed.

Clause 4.

Mr HILL: In relation to clause 4(1)(a), which refers to a water logging and a salinity risk management allocation being attached to the irrigated land of the district, will the minister explain how that is attached? Is that, for example, by way of the land title or is it some other device?

The Hon. M.K. BRINDAL: When people sign to join up to the scheme, a map will be produced which will show all the classifications of land—for example, if it is water logged land or irrigation land. That classification is then, by dint of the map, deemed to be attached to the land. That is reasonably important, because when the land is on-sold the classification is deemed to be on-sold with the land because of the map. I am sorry that there is a pause, but the member for Kaurna asks me questions about which I am not normally challenged enough to have to ask the officers. However, in the honourable member's case, I do apologise.

Clause passed.

Clause 5.

Mr HILL: I assume that this clause allows irrigators to voluntarily join the trust. Will the minister explain how the voluntary scheme will work? I assume that when this act is promulgated people who volunteered prior to its enactment will automatically be part of the trust, but what about those who are not part of the trust and who may not have volunteered? How will they access the trust if they change their minds in the future? How will members who have volunteered to be part of the trust withdraw from it if they so choose, or can they do so if they so choose?

The Hon. M.K. BRINDAL: When this comes into force, people will be formally invited to become members of the trust. To do so, they must make an irrigation declaration which will make them members of the trust. Subsequently, other people may join up. However, if all the units in the trust are allocated, to join up they will then have to pay for the additional works that have to be undertaken or they will have to pay for the privilege of joining.

I draw the member for Kaurna's attention to what I suspect is a similar type of condition that exists in or near his own electorate with the grey water sewerage scheme that goes down to the southern vales, as he would know. Those who joined up have an ownership of it. There are now many more who would like to be in it and who are complaining because it is costing them rather more to be in it than it would have had they been initial members. I think that, in fact, this scheme will have a similar effect. If they really wanted to, I suppose they could surrender their rights to the trust by resigning. However, given what everyone in this House knows about the rising problem of salinity, I think the likelihood of someone who chooses not to join initially wanting to join is manyfold higher than the likelihood of anyone who is prudent enough to join in the beginning wanting to get out subsequently. But either is possible.

Mr HILL: This is a hypothetical question, I suppose. If the bill is passed and a lot of irrigators decide to join and $7 million worth of capital works have taken place, what is to stop all the irrigators then resigning and forgoing ongoing liability for paying off the management of the operation?

The Hon. M.K. BRINDAL: Quite simply because once they have joined they will not be able to irrigate unless they have zero impact certificates. If they resign from the scheme they will not have a zero impact certificate; therefore, they will not be able to irrigate. The absolute worst case scenario (which is highly fanciful), I suppose, is that if every member joined the scheme and then said that they wanted to opt out of the scheme, we would have spent $7 million, or more, on this scheme. If they all then turned around and said that they did not want to irrigate any more, if they pulled up all their irrigation and ran sheep, they would have sheep and we would have white elephants. However, I do not think even then it would be a white elephant, because the fact is that every state, as the shadow minister knows, is moving very actively into a discussion of salinity credits and what they will mean. They are tradeable at vastly increased prices over water. Salinity credits are worth, I think—

Mrs Maywald interjecting:

The Hon. M.K. BRINDAL: Yes. The member for Chaffey says $750 000: someone told me recently that one traded for $1 million. It is in that area. In the worst case scenario that they all decided to dry land farm, we would still have a scheme where we could probably be rendered viable simply by the salinity credits that we could gain from it. But the likelihood of that is about the same as the shadow minister becoming Leader of the Opposition tomorrow.

Mrs GERAGHTY: Clause 5(3)(c) provides that the trust can sue or be sued in its corporate name. If the trust is sued and a substantial penalty is applied to it, would there be sufficient funds within the trust to cover that, or would it have to come from somewhere else?

The Hon. M.K. BRINDAL: That is why they are required to have an insurance policy. If they get sued, they will have to be insured or else they will have to recover it from their members. That is why we are insisting on the insurance. The member will remember some years ago, where we had a very bad bushfire incident in the Adelaide Hills and people—rightly—sought compensation, I suppose. In the doling out of the compensation, what was not thought through enough was who, in fact, would pay the compensation. We had a very difficult situation with the then District Council of Stirling, I think, which suddenly found that it had a liability which it simply could not pay. We have moved on since then and we have sought to learn from those sorts of

experiences, and now there is an insurance policy demanded which insures against that likelihood. However, in the failure of that policy it would come back, in the first instance, to the assets of the trust and the members of the trust—and probably ultimately on us, as everything seems to ultimately come back to us.

Clause passed.

Clauses 6 to 8 passed.

Clause 9.

Mr HILL: This is a provision to do with voting; the Minister mentioned that in passing. My reading of subclauses (4)(a) and (4)(b) is that, in order for a resolution to be agreed to, it needs to get the support of a majority of votes (that is on the basis, I suppose, of one vote, one value), and also a majority of the value of votes. The way I read that would be that, if there are 20 irrigators and 18 of them had relatively small allotments and two of them had a majority of land, you would have to get at least 10 of the 20, plus probably the minority of two would have to be part of that voting majority. I am not sure if I am explaining this. It is a bit like the old card vote in the Labor Party: you could have a majority of votes succeeding but you needed to get a majority of the representation as well. Am I correct in that analysis?

The Hon. M.K. BRINDAL: The problem is that, in formulating this bill, the Qualco-Sunlands area will move from the auspices of the old Irrigation Act 1944. It is still under that act until it transfers across to the new act. Therefore, the clause 4 provisions relate to what happens while it is under the old act, and the other provisions relate to what happens when it comes under this new act. So, if you like, it is either/or: one will apply, then subsequently the other will apply. Does that make sense—the member is looking a bit perplexed?

Mr HILL: I have a supplementary question, sir. Subclause (4) provides:

> Subject to this act, a resolution will be carried if—

(a) and (b): it is not or (b).

The Hon. M.K. BRINDAL: Yes, I am sorry; we were at cross purposes. The acoustics in this place are dreadful. I thought that the member was saying 'boats' and I was wondering where boating came into this. The value of the votes in subclause (4)(b) is according to the water allocation. So, it is not property values or anything; it is according to the water allocation.

Mr HILL: What it means is that, in order to get something through the trust, there is a majority of individuals who have votes, and every individual who has a property or a series of properties has a vote, so you have to get a majority of the individuals voting but you also have to have a majority of the irrigated land that is represented on the board. So, you might have a majority of one and not the other: in that case, it does not get through. I am just clarifying that.

The Hon. M.K. BRINDAL: The simple answer to the question is yes.

Clause passed.

Clauses 10 to 18 passed.

Clause 19.

Mr HILL: Subclause (3) provides:

> The Trust is only required to comply with this section if it requires adequate government funding to do so.

Could the minister expand on that and, in particular, indicate the government's exposure in relation to this issue?

The Hon. M.K. BRINDAL: Similar to the comments made by the member for Chaffey in her second reading contribution, the subclause acknowledges in law that the government is bound to contribute that which the government says it will contribute. It limits, if you like, the liability of the trust from the government, either state or federal, not providing the amounts of moneys that this House has been assured that the government will provide. It does not expose the government, state or federal, to any greater risk, but it protects the trust from—perish the thought—a government in this chamber or a government in another chamber in another place saying, 'We will do this', bind it by an act of parliament and then say, 'Too bad, boys; you have to pay for it.'

Clause passed.

Clauses 20 to 23 passed.

Clause 24.

Mr HILL: This clause deals with the provision of disposal basins which, I guess, is where the salt accumulates. The minister is obliged to provide these disposal basins. Can he indicate how and at what cost he will provide these basins and where these basins will possibly be located?

The Hon. M.K. BRINDAL: This clause limits our liability. The basin in question is Stockyard Plain, which is an existing basin. If the basin exists there will be no extra cost. Our liability is limited under this clause to 100 litres per second and to 2 840 megalitres a year, so that they are sure of what it is they can give us and we are sure that we can have evaporated that quantity of saline water. Just pre-empting clause 25(3), the cost we limit to $300 000. There are no smokes and mirrors here. As the member for Chaffey and other members have indicated in the debate, we have worked hard with the irrigators. The costs, we believe, are realistic, honest and can easily be met. The capacities are within our capacity.

The shadow minister might be aware that, if we take a view 15 or 20 years down the track (and I know that the member for Chaffey is aware of this), we really do have to look eventually at the remediation of salt from the environment. It is not necessarily a sustainable long-term solution to let the salt just pile up in basins. Lake Tutchewop in Victoria is already experiencing problems: in fact, saline water has been extracted for, I think, in excess of 20 years: it involves getting saline credits. As fresh water evaporates, obviously, the salt remains and the water becomes increasingly saline.

Just prior to crystallisation, saline water evaporates at only 45 per cent the rate of fresh water, which means that, to get the same amount of evaporation, just roughly, you must double the size of the basin. Lake Tutchewop is already experiencing that. South Australia does not have quite the same problems. Some of our basins are semi-porous so that some of the water will flow in gradually. Also, we do not have exactly the same measure of program. Nevertheless, I would not like to deceive this committee and say that any member who knows anything about it believes that the current basin system is absolutely sustainable indefinitely. Ultimately, we will have to do some more advanced science, and probably we will have to remediate some of those areas by physically removing the salt from the environment.

Mr HILL: I agree with the minister's analysis, but can he assure the committee that the basin in question has the capacity to take the water coming not only from this irrigation area but also from other areas that currently get water for evaporation purposes?

The Hon. M.K. BRINDAL: Yes, I can absolutely give that assurance, with the provision that $300 000 worth of work needs to be carried out to meet that requirement.

Clause passed.

Clause 25 passed.

Clause 26.

Mrs MAYWALD: This clause refers to the creation of salinity credits by the trust. Can the minister please explain to the committee how the benefit sharing of any EC credits that are created as a result of this scheme will be distributed to the benefit of the state and the community, and will he explain the sharing of the return that may be achieved from those salinity credits?

The Hon. M.K. BRINDAL: I hope that this committee will concur that the government has tried responsibly in addressing this question to be fair to those who are irrigators in this scheme and who will be beneficiaries if EC credits receive a lot of ever escalating amounts of cash and equally fair to this parliament and to the people of this state—the taxpayers—who, through federal and state coffers, contribute, in the 30-year life of this scheme, roughly 60 per cent of the costs. As the scheme is presently valued, we have divided therefore those proportions roughly as 55 per cent for the government and 45 per cent for the members of the trust.

Any earnings for pumping (additional ECs) go into the trust and are counted in the cost. The benefit will be reviewed every five years as a cost benefit ratio. The 55-45 per cent share will be reviewed every five years according to how the benefits pan out. For example, if the price of oranges falls, the government benefits required will be adjusted down to accommodate the falling prices of the commodity. I think that we are ensuring that there is an equitable distribution of the risk, as there is a risk. We are also seeking to ensure that there is an equitable distribution of the benefit or profits if that accrues as well. I think that this is a good scheme for those who choose to join it early. It is an equally fair scheme for the government which, after all, means the people of South Australia.

Mrs MAYWALD: So that I understand the minister's answer, in the original modelling for the scheme there was a six EC benefit to the state. Those six ECs will become the property of the state if we enter the EC market, and any additional ECs created as a result of extra pumping on behalf of the trust would then be to the benefit of the trust. The cost benefit ratio would then be redistributed at the review every five years in relation to the trust's agreed arrangements with the government. Is that correct?

The Hon. M.K. BRINDAL: That is correct. I ask the member for Chaffey to contemplate the following: if we are half correct and say 6 ECs are currently worth $1 million each and the government is putting in about $7 million, it already has almost a guarantee of $6 million in return, so it is not a bad deal for us, either.

Clause passed.

Clause 27.

Mr HILL: This clause deals with the powers of the trust, and the powers are pretty broad. Clause 2(a) provides that the trust may enter or occupy any land or authorise any other person to enter or occupy any land. This is a very broad power to be giving to what is at best a quango and at worst just a group of landowners. What limits would be placed on the land in question? Does it involve just land within the irrigation district, or does it involve land anywhere in the state that for some reason or other might be deemed to be useful for the trust in pursuing its objectives?

The Hon. M.K. BRINDAL: It certainly is limited to land within the area of the trust. I acknowledge that the powers are broad-ranging. However, the fetter on any power is, of course, the community it serves. This trust is a community trust. It will be operated by the community, and it will answer to its own community. So, in a sense, we have Caesar policing Caesar. While I acknowledge the shadow minister's point in his question that the powers are fairly broad-ranging and fairly comprehensive, I do not believe he will detract from the right of this House to provide for such broad-ranging powers.

The issue of salinity is serious, as the honourable member has acknowledged and is acknowledging. If it takes broad-ranging powers imposed by this House to see that the problem is addressed, then this house should not restrict or shrink from opposing such powers as are necessary for the preservation of the resource. I refer to that old saying: power corrupts and absolute power corrupts absolutely. We think the check and balance in this is that it is a community scheme run by the community and largely answerable within the community. We think that, while the powers are broad-ranging (and necessarily must be so), nevertheless, the check and balance is that it is Caesar policing Caesar.

Mr HILL: I am relieved by the explanation that the land is question is land only within the district. It is not pointed out in this section. The minister may wish to amend it further. I will outline one problem for the trust. At some stage in the future an irrigator might be able to have control over a majority of the land through a variety of arrangements, and so on, and one person could have absolute power, as the minister outlined, acting in a way that is perhaps not in the best interests of the whole of the trust area but may be in the best commercial interests of that person. I suppose the minister's answer would be, 'The individuals on the trust board would still have to vote in favour of that large landowner.' I am concerned. We all know how committees work and influence is peddled. If this authority is misused, does the minister have some capacity to intervene and bring those involved back to order?

The Hon. M.K. BRINDAL: First, this parliament does not abdicate its rights. If something substantially unfair is happening, the minister of the day can make regulations for which the minister is obviously answerable to this House or, indeed, the parliament, through the minister, can choose to amend the act. So, a matter of substantial fairness under an act is always within the purview of the parliament. Notwithstanding that, I draw the shadow minister's attention to the previous clause.

I put to him as a matter of intelligent debate that, even if an irrigator got possession of most of the land and, therefore, most of the water, in the previous definition they still would have only one right to vote for property. Even if they owned seven-eighths of it, they can still exercise only one vote as an owner. They can certainly exercise the majority of the votes for the water. However, so long as it requires an absolute majority of both, there being more than two owners, the self-interest of the one cannot succeed. If there are two owners, I do not know what you do. If there is a little owner and a big owner, 50 per cent is still not a majority of the vote. So, I think there are adequate protections—the most important protection, of course, being this House and this statute.

Clause passed.

Clauses 28 and 29 passed.

Clause 30.

Mr HILL: This clause deals with minimisation of damage. Will the damage that might occur be subject to normal EPA and other acts of parliament which would apply, or does this act exclude those other agencies in terms of dealing with those problems?

The Hon. M.K. BRINDAL: It is subject to the EPA and also to other acts of parliament according to the Acts Interpretation Act. With respect to the shadow minister's concern, most acts—certainly the EPA—would hold sway in an interpretation of this act. I invite the shadow minister to come up with me some time—and I am sure the member for Chaffey would entertain him for a day—and have a look in the area of Bookpurnong, around lock 4, and in other places. The big thing about this act is not the damage that will be caused but the damage that will be remediated and saved. While it is a very germane question, the answer is, as I have said, that I would rather hope in four or five years we will be in here talking about the enhancement and not further degradation of the environment. If I am going to that area, the shadow minister is welcome to come with me. I am sure the member for Chaffey will take him around the area to see just what damage is occurring in situations where there are no schemes such as the one we are passing today.

Clause passed.

Clauses 31 and 32 passed.

Clause 33.

Mr HILL: I thank the minister for his warm invitation to visit parts of the Riverland with him and the member for Chaffey; I will happily go along with that. Clause 33(5)(b) refers to a hydrogeological model approved by the minister and the trust. The next clause refers to the fact that the irrigator must bear the expense of anything that will be required. However, it does not refer to that hydrogeological model. Who will pay for any hydrogeological work that would need to be done? Will that be the irrigator, the minister or the trust? How will that be worked out?

The Hon. M.K. BRINDAL: According to the capital works budget of my department, the model referred to is within the existing budget and has already been done. If in the future hydrogeological work was undertaken—and I am not trying to be evasive—it would depend: if the hydrogeological work was part of the ongoing maintenance or enhancement of the scheme, I expect that we would be going to the irrigators and saying, 'This is at your expense, because it is a running cost of the scheme.' However—as well might happen—if this state, to get a better knowledge of the river, the flow processes and building salinity levels within the river were to seek further hydrogeological work on its own part in this area, it would be reasonable and proper that the irrigators say to the state—and we would, indeed, say this ourselves—that this is additional work required by the state of South Australia to enhance its knowledge of the river and, therefore, the ground water flows should be done with the state. This one does not come into it, but in future if it is part of the ongoing nature of the scheme it would probably be at least a request from the trust. If it is something the state requires to enhance our knowledge of the problems in the area, it is something we would bear.

Clause passed.

Clauses 34 and 35 passed.

Clause 36.

Mr HILL: Clause 36 relates to a certificate of zero impact. I am always a bit dubious when a minister makes such an absolute statement that a particular measure will have zero impact on something, in this case zero impact on salinity levels or water logging. Will the minister explain the process that might be gone through and how he can assure anyone that something will be 100 per cent certain?

The Hon. M.K. BRINDAL: This is a God like power and I acknowledge that and I do not suppose in any human society we can ever be 100 per cent certain of anything. At present the ministerial council, the Murray Darling Commission, has demanded that all users of the river are cognisant of and have account for the impact they have on the river. So, if you take out water and that has an impact you are expected to remediate the impact, at least in theory. If you put salt in and that has an impact on the river, you are expected to remediate the impact. Since that came in we have not enforced it. It now appears in the statute. We are saying in this statute that you must have zero impact on the river. Is that yet an absolutely precise science? The answer is certainly no. Will it in the life of this bill be a precise science? I would say hopefully, as far as humans are able to be precise, the answer will be undoubtedly yes.

It is not, I put to the shadow minister, a completely impossible proposition. If we understand the geology underlying the area, and we have at that stage done enough tests bores so that we are quite clear as to the road map of the underlying textures, structures and permeabilities, then we have in effect underneath the surface the same as we have on the surface—an aerial photograph. If we then know the exact quantities of water laid on the surface, the permeability, we can then do some hydrological work and calculate with almost a degree of certainty the flow rates, the rates of salinity that will be in those waters and therefore the rates of impact on the river. Certainly within the life of the bill, as far as it is humanly possible to say 'Yes, we can categorically say that you must have zero impact,' we will at least approach that point.

The honourable member is smiling. I will not lie and say that we will. Even if one day he is minister, I doubt that he will quite acquire the status of God and he might occasionally make a slip up. As our science develops in this area we will be able to be more precise. The most important point is that we have to start to demand that sort of result and do the best we can to see that that sort of result is achieved. At present we have demanded it, but have demanded it as a theory only and, while we demand it as a theory only, the river continues to deteriorate. In human fashion the damage you cause that you cannot see you do not easily own up to and in some cases damage has been caused, but people to their credit are realising that it is partly their damage and that partly as a group they are responsible. But they do not see it as their personal damage, which is a pity. That is where we have to get. We have to have people realise that as individuals they are having an absolutely quantifiable and deleterious effect on a precious resource.

One thing I am sure of—and I am sure that the member for Chaffey will back me up—is that I do not know of any farmer or irrigator in this country who seeks to systematically destroy the land they farm. Most are very attached to both their property, to what they do and to the sustainability of what they do. As they become aware of their impacts on their environment, generally they are the ones leading the charge to fix it up.

Clause passed.

Clauses 37 to 45 passed.

Clause 46.

The Hon. M.K. BRINDAL: I move:

Page 35, line 29—After 'On or before 15 August in each year' insert '(or, in respect of the 2000/2001 contribution year, some other date agreed between the Minister and the Treasurer)'.

Amendment carried; clause as amended passed.

Clause 47.

The Hon. M.K. BRINDAL: I am told that clause 47, as it is a clause to appropriate revenue, will need a Governor's message before the necessary third reading is passed. Therefore, I will in a moment seek to adjourn the debate. I will seek your guidance, sir, on whether this House might move the amendments before such time as we adjourn the debate until tomorrow.

The CHAIRMAN: The amendments may proceed, but the bill will need to be adjourned prior to the third reading.

The Hon. M.K. BRINDAL: I move:

Page 35, lines 36 and 37—Leave out subclause (2) and insert the following subclause:

(2) The amount must be paid—

(a) in respect of the 2000/2001 contribution year—in such instalments and on or before such dates as are agreed by the Minister and the Treasurer;

(b) in respect of all other contribution years—in equal quarterly instalments on or before the first days of October, January, April and July in the relevant year.

Amendment carried; clause as amended passed.

Clauses 48 to 54 passed.

Clause 55.

The Hon. M.K. BRINDAL: I move:

Page 40, line 30—Leave out '1 October in' and insert 'the first day of'.

Amendment carried; clause as amended passed.

Clause 56.

The Hon. M.K. BRINDAL: I move:

Page 41, after line 27—Insert new subclause as follows:

(5) However, despite subsections (2), (3) and (4), the amount, or amounts, payable to the Minister in respect of the 2000/2001 contribution year will be payable in equal instalments on or before the dates fixed by the Minister for the purpose and specified in the notice (the date for payment of the first instalment being not less than 30 days after the date on which the notice is issued).

Amendment carried; clause as amended passed.

Clauses 57 to 61 passed.

Clause 62.

Mrs MAYWALD: Part 8 of this Act refers to wells and clause 62 refers to permits under those wells, in particular to a fee to be prescribed by regulation in relation to an application for a permit to approve a well. Will the minister please explain to the House how the prescribed regulation will be set in relation to the fee and how that will be applied to the trust?

The Hon. M.K. BRINDAL: This should not be an issue. We do not believe a fee will prove to be necessary at all. It is one of those 'in case' provisions which my officers always tell me is necessary—in case. If a fee proved to be necessary because of an investigative or administrative cost accrued to the trust, it is the trust that will sponsor the regulation to that effect and not the minister. The provision is there so that, if that is triggered by the advent of an investigative or administrative cost by the trust, the trust will in fact come to the minister and say, 'This expense has been incurred because we need to do X or Y. Therefore, we would like you to pass a regulation to allow us to recover the moneys.' I am now on the record as saying that there is no intention by the government to actually charge anyone or use this as a backdoor method of taxation. We are not yet about taxing wells.

Clause passed.

Remaining clauses (63 to 80), and schedules 1, 2 and 3 passed.

Schedule 4.

The Hon. M.K. BRINDAL: I move:

Page 59, line 6—leave out '1 October 2000 (the transitional period) Part 2' and insert:

the beginning of the 2000/2001 contribution year (the 'transitional period') Part 2 of the act.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1102.)

Ms HURLEY (Deputy Leader of the Opposition): I am very disappointed that we are coming into this debate with a number of major issues still unresolved, despite the fact that the announcement of the proposed sale of PortsCorp was made in early April last year. I intend to run through some of these major issues; and it is partly because of the lack of resolution of these issues and other problems with the sale of PortsCorp that the opposition will oppose this bill and subsequent bills to enable the ports to be either sold or leased.

The government has handled this matter in an extremely disappointing manner. We in the opposition have attempted to consult with as many groups as possible, many of whom have expressed disappointment that the government has not similarly consulted properly with them. I understand that yesterday and this morning the minister was talking to some of those groups to try to get some resolution of the issues at this very late stage of the proceedings. It leaves this parliament, once again, in the situation of being asked to pass legislation where we have an incomplete understanding of the ramifications of the legislation.

The legislation involves the sale of a major community and state asset, that is, every port in the state of South Australia excluding Kangaroo Island. This is, indeed, a serious issue. Once again, we are faced with last minute changes and alterations and deals done—a rushed piece of legislation which exposes this state government to mistakes being made in the process. The issue of South Australia's ports and the transport corridors they provide for our exports is just too important to be treated in this way. I am very disappointed on behalf of residents of South Australia that the government has chosen to go down this path.

I would like to go through some of the major issues in relation to PortsCorp. First, there is the aspect of stevedoring in the port of Adelaide. There is no guaranteed tenure for the major stevedore Sea-Land beyond its current four-year contract. Sea-Land has operated the port of Adelaide in what seems to be a very efficient manner. It has worked well with its work force in contrast to the strikes and disputation we have seen at other ports, particularly in Sydney and Melbourne. Sea-Land has worked well with its work force to ensure that the throughput of the port has increased dramatically over the years; and it has introduced modern equipment to speed up the throughput for that container terminal.

Sea-Land has informed me that it had intended to put a great deal of investment into its facilities at Port Adelaide. It is talking about adding infrastructure and investment in the next year or so. However, its lease expires within four years and before it makes that significant and costly investment it would like a greater guarantee of its tenure. The problem is that the current throughput of the port of Adelaide does not provide enough tonnage for more than one operator to operate efficiently. Sea-Land is unwilling to provide the level of investment that is required for the port of Adelaide when a competitor might be introduced which would reduce its ability to operate efficiently.

I would like to quote from a report entitled, 'Beyond price regulation—Market structure competition and efficiency in Victoria's ports'. This is a report by the Office of the Regulator-General in Victoria. Victoria's ports were partially privatised and partially corporatised. The port of Melbourne continues to be owned by the state government, and three other provincial ports in Melbourne have been privatised. This is the first major report following that privatisation and it contains many lessons for the South Australian situation.

It states that the level of concentration in the container stevedoring industry is the inevitable consequence of inherent economic characteristics of that industry. Talking about the long-term interests of the port operator at Hastings in particular (but I believe it has relevance in the port of Adelaide as well), the report states:

> . . . the long-term interests of inter-port competition would appear to be better served by ensuring that the port operator at Hastings has the commercial incentive to promote and invest in facilities at the port which will position it for development as a medium to long-term competition to the port of Melbourne. The willingness to make the required investment over time is likely to depend in part on the operator's confidence that it will enjoy security of tenure for a period sufficiently long to reap the resulting benefits.

I think that is exactly the case in which Sea-Land finds itself. Due to the high fixed costs of providing that infrastructure, in the opinion of this report writer the operator of that stevedoring service has a good claim that that investment should be taken into account. The report goes on further to state:

> Modern container terminals are capital intensive, and a significant proportion of the capital outlays (for instance, the development of hard standing areas) is not recoverable on exit.

I understand that Sea-Land's difficulties are with the fact that it does not have an extension of its tenure and also that the legislation provides for a portion of land beside the existing terminal to be made over to another operator.

The opposition has no problem with competition being introduced into the stevedoring industry in the port of Adelaide, but we would not like to see a stevedore operator which has been operating efficiently being forced out by another stevedore—perhaps one that has operations in, say, Melbourne—such that that operator would then run down the stevedoring and port industry in Adelaide and direct much of its work to the port of Melbourne or some other port. Those reassurances are not available within the legislation nor, I understand, from the minister.

So, we have the situation where our major stevedore is not yet convinced that the right assurances are present in the legislation and has not received sufficient assurances from the minister. This is very difficult for the ongoing improvement and efficiency in the port of Adelaide, the ongoing commitment of the workers in that port of Adelaide and the security of that export corridor for many of the operators such as the wine industry that make good use of the port of Adelaide.

The opposition has another major problem with the bulk handling requirements for the port of Adelaide. I think those concerns are expressed very well in a letter from the South Australian Farmers Federation which deals with the existing situation for South Australian grain ports. It is quite a long letter, but it is worth quoting from it at some length, because it puts very succinctly the issues concerning with the port of Adelaide and the work that needs to be done to upgrade that port and other ports around South Australia so that our grains industry remains competitive and increases its ability to stay competitive.

A number of points are made about the port of Adelaide which I will read through. This letter from Jeff Arney, who was Chairman of the South Australian Farmers Federation Grains Council, states:

- South Australia's grain ports are the least capable (with the exception of Port Lincoln) in Australia and are the highest cost.
- Most vessels have to call at two ports to fully load, and marketers have to redirect many large vessels to interstate ports.
- Eighty-five per cent of the average South Australian grain crop is exported, contributing on average $1 billion to the South Australian economy (mostly in rural areas). This would be further enhanced if the ports are developed.
- In the last two years, Ports Corp has paid dividends and loan repayments to government of $21 million and $16 million respectively, nearly half its total revenue for this period.
- A 'can do' approach now will address 30 years of neglect and allow South Australia to compete effectively against Victorian grain ports.
- Industry is poised, ready to spend $30 million on land-based infrastructure improvements, subject to government providing the state-based asset improvements.
- Upgrades would optimise the use of rail infrastructure in preference to road transport.
- Improvements as recommended would place South Australia's grain ports in a strong position for future benefit to South Australia, fostering grain production and including prospects of attracting grain from Victoria for export. The alternative is for South Australia to remain uncompetitive, with grain gradually being diverted from eastern South Australia for export through Victoria.
- The South Australian Centre for Economic Studies has stated that deep sea port investment would provide positive economic benefit to South Australia.
- A commitment to the improvements would create a positive environment for the Ports Corp sale.
- The ability of South Australian ports to compete on world markets will deteriorate further as vessel sizes continue to increase.

That is about the increasing tendency for the bulk grain industry to go to larger and larger ships. Post panamax vessels are being used in other parts of the world and, as a result, the South Australian vessels are tending towards going up to panamax standard, but they are unable to use the port of Adelaide in its current circumstances. A report was done, and the deep sea port investigation committee found that there was a need to deepen the port at Adelaide to enable panamax type vessels to use that port.

As was stated in the letter from the South Australian Farmers Federation, the industry is prepared to put in $30 million to land-based infrastructure. It is asking the government for a contribution by dredging out the port of Adelaide and ensuring that panamax type vessels can use the port in order to ensure the competitiveness of the grain industry and the long-term future of the port of Adelaide. The South Australian Farmers Federation also points out that dividends and loan repayments to government have amounted to $37 million over the past two years. In saying that, it makes the point that it could rightly expect the government to give back some of those dividends and revenue to the industry that helped create them. They point out that the notion of government investment to facilitate projects in South Australia is well established, with a number of precedents, all of which were presumably justified in terms of broad economic benefits to Australia South Australia. These include: $40 million dredging of Outer Harbor for the container terminal; provision of berth and other facilities at berth 29 for a large South Australian organisation; $36 million for the National Wine Centre; and $30 million for the Hindmarsh Soccer Stadium.

As I understand it, the government is refusing—or certainly up to now has refused—to commit any government money for that dredging. In answer to my questions about this, it has stated that it expects the industry to contribute the full amount and that the industry would negotiate with the new port operator on how and when this would be done and

whether the new port operator would contribute any money to that process. This is an extremely unstable situation for the grains industry to be in. It is unconscionable that the government has allowed it to happen, and to ask this House to pass legislation to sell ports before this issue has been resolved. Jeff Arney of the South Australian Farmers Federation, in his letter to me, went on to say that new pressures have emerged in South Australia which exacerbate the situation if the dredging is not carried out. The letter continues:

Vicgrain and Graincorp (NSW) set to merge, creating increased competitive power against SA's export system.

New Melbourne grain terminal to come on stream in 2000. . .

Victorian government funded the dredging of the Geelong channel to provide panamax capability for this privately owned port.

AWB constructed 150 000 tonne storage facility on main Adelaide-Melbourne rail line at Dimboola.

Remember that this is an option for grain from South Australia to travel to Melbourne to be exported. The letter continues:

Victorian railways privatised, with new operators seeking new business.

Victorian government agreed to over $50 million rail standardisation/upgrades, facilitating competitive freight rates into Victorian ports.

International marketers such as AWB and ABB now chartering around 40 per cent of their own export shipping, forcing closer attention to competitive port costs in an environment where state borders have become less relevant.

Increased competition from Victorian ports will improve the return to growers who utilise these facilities. Growers who have no option but to rely on Port Adelaide will be further and further disadvantaged as marginal grain is lost to the Victorian ports and thus reduces the volume through Port Adelaide.

My interpretation of that is that the Victorian government, although it has privatised regional ports, through infrastructure spending in its state (whether private or public) has ensured that operators have the correct infrastructure to position those industries to be competitive and to win future business.

The South Australian government, in this privatisation and in others, has not looked at the competitive advantage of South Australian industries. It has merely been in a rush to get the money from these asset sales. Whether or not it is an ideological position, I do not know. I think the industry and the people of South Australia have every right to call for some sort of strategic statement from this government as to where it is heading with these corporatisations.

From the point of view of Sea-Land and the grain industry, it certainly seems that there is no strategic direction from this government. The actions that the government is about to undertake undermine the competitive position of the two industries and that is not in the long-term economic good of this state and, more particularly, the long-term economic good of those industries. These industries are very important to the state of South Australia for its job prospects and economic opportunities, and for the future ability to direct the development of this state.

The Victorian Regulator-General's report contained a caution about private owners acting as landlords extracting the maximum rent rather than encouraging integrated progress of port and industry. It seems that the government is content to allow this to happen: that it sells to the highest bidder and that it does not put the conditions in place that would integrate the development of this state and its important industries properly.

Strategic development plans are mentioned in passing in this disposal bill but not explained at all and not elaborated on. It is an extremely poor state of affairs and one of which every member of the government should feel ashamed, especially those members of the government who are involved in any of the industries which use the port facilities, such as the wine industry (which is a heavy user of the stevedoring facilities), anyone with grain growers in their area, or anyone who has a port in their electorate: they should feel very nervous about the passage of this legislation given the great reservations held about it by the industry.

There are other significant issues outstanding, such as environmental issues. The opposition believes that, in the short term, the dredging of the port of Adelaide is essential for the continuation of a competitive port structure and a competitive industry structure. We are, nevertheless, concerned about the environmental aspects. We believe that, if there is a will by government and the industry, those environmental considerations can be overcome. I understand that environmental tests are occurring in the channel to discover what is contained in the silt of the channel and what happens to that silt if it is, in fact, dredged up. I am not sure who is carrying out that testing or when it is expected to be finished. I understand that it is not finished, and the composition of the sediment is not at this stage known with any certainty. This House should know before we pass this legislation what will be the environmental effects of the dredging process itself, where the silt will be disposed and what will be the environmental effects of that disposal. That is an another very important issue, which I understand is unresolved.

Another unresolved issue is that of local government concerns about its loss of control of zoning approvals and consent to use. Indeed, I received a letter just this morning from the Local Government Association which confirms that it has concerns about the process. Its two main concerns are the recreational access agreements and the development plans and procedures allowed for under this bill. I will deal first with the development plans and procedures and afterwards move on to the other very critical issue of recreational access.

According to the LGA, this is a proposal to unilaterally zone the council areas affected by the bill and undermines the whole-of-government approach to development and strategic planning. The LGA lists the councils that will be affected by these bills. They are: the District Council of Ceduna, which has the Thevenard facility; the Copper Coast Council, with the Wallaroo port; the City of Port Adelaide Enfield, which has Port Adelaide Inner and Outer Harbor; the City of Port Lincoln, which has Port Lincoln port; Port Pirie and Districts, which has the port of Port Pirie; and the District Council of Yorke Peninsula, which has Port Giles and Klein Point. The LGA says:

Councils directly affected are concerned that the process is being rushed and that this increases the chances of problems arising in relation to the sale-lease process. The LGA considers that it is imperative that the bills are given careful consideration to ensure that all matters are addressed. The LGA seeks your support to ensure that the process allows sufficient time for all parties to review properly the proposed legislation in order to guarantee the effectiveness of the legislation.

It is my understanding that that has not taken place up to now. I have a separate letter from the City of Port Adelaide Enfield regarding its concerns. It points out, in a letter sent on 11 May 2000:

With respect to the Port Adelaide Enfield council, the proposals before parliament are particularly of relevance as the council, in partnership with the Department of Industry and Trade under the auspices of Planning SA, have been undertaking an extensive review of Gillman and Le Fevre Peninsula for the past five months to determine the long-term capability of the land affected by the bill. The council has in good faith agreed to make a contribution of $25 000 to match the government's input of $25 000 to undertake

a study which would have led to an orderly transition of zones in an orderly and consensus fashion. The bill has been prepared in a manner so as to make the current study virtually useless and a waste of the council's financial contribution, all without any prior warning or notice. The partnering arrangement entered into by the government with council would now appear to be no more than a sham.

I believe that these are very serious issues. The government allows itself under this bill the ability, as the LGA has said, to unilaterally rezone land in and around the ports area and to say what industries and what uses have consent within that bill. As I said, it is unacceptable, given that the government announced publicly the sale of the Ports Corp in early April last year (and, presumably, was considering it well before then). It had made these arrangements with Port Adelaide Enfield council, and one would have thought that in that period of over 12 months it would have ample opportunity to consult with the councils involved and to obtain their agreement to any changes made. We know that this government makes mistakes; we know that it gets things wrong; and we know that the people who are on the ground and dealing with these issues as local issues every day are in the best position to point out where the government may well have made mistakes.

The issue of recreational access is another concern of the Local Government Association and is, indeed, a concern of the South Australian Recreational Fishing Advisory Council. This is a very important issue to those regional ports as well as to the recreational fishers and the tourism industry. Some of those ports, including Port Adelaide, are important areas for tourism and fishing. The minister put out a press release saying that recreational access was assured. However, that is not strictly the case with this bill under consideration. The bill allows for recreational access agreements, and clause 16 provides:

> The minister will, as a condition of entering into a sale/lease agreement with a particular purchaser, require the purchaser to enter into an agreement (a recreational access agreement) governing access by the public to land and facilities to which the sale/lease agreement applies.

However, no time limit is placed on that agreement; there are no conditions about trying to ensure that maximum access is allowed. This will outrage many of those recreational fishers who rely on those ports for their normal recreation, and it will also outrage a number of those tourism operators who rely on people coming to those ports for their fishing. It again places undue faith on the sale process and whoever may, as the favoured bidder, win the right to own and operate those ports. The opposition will move an amendment which will ensure that access is guaranteed to at least the current level of access to the public, and I would hope that the government will agree with that proposition.

There is also an issue with respect to commercial fishing. The bill also allows for agreements between the port operator and commercial fishers to have the access they require to port facilities. Again, this matter has become an issue in the privatised Victorian ports where the commercial fishers are not seen as being a particularly profitable enterprise for the port operator. Commercial fishers are complaining that they are being gradually forced out by increased charges and lack of service.

The commercial fishing agreement in the bill, again, does not contain any assurances that commercial fishers will have the access they require, nor does the bill place any time line on finalising that agreement between the commercial fishers and the new port operators.

I want to deal briefly with industrial relations issues. The Maritime Union of Australia was consulted reasonably early in contrast to a number of other interested persons in the Ports Corporation. A memorandum of understanding was developed which the MUA is prepared to accept. Nevertheless, the MUA would like to see the long-term viability of its industry assured. The MUA is very concerned about the stevedoring aspect of the operation and, in that respect, it has been involved in discussions with Sea-Land.

This government has not allowed (as occurred with the ETSA sale) for any distribution of the proceeds of the sale of the Ports Corporation assets and the leasing of the Ports Corporation. The opposition will be moving an amendment to ensure that any proceeds of the sale of the Ports Corporation will go either to debt reduction or to the provision of port infrastructure, and particularly the dredging for the deep sea port, which we believe should proceed. The minister finds that amusing—I am not quite sure why.

The Hon. M.H. ARMITAGE: I rise on a point of order, sir. I am laughing at something in this letter.

The SPEAKER: Order! There is no point of order.

Ms HURLEY: I have dealt particularly with the infrastructure of the port of Adelaide in this contribution, but port infrastructure in other ports around South Australia need attention as soon as possible. That is very important infrastructure not only for the survival of those ports but also for the competitiveness of the industry that uses those ports.

Those remarks sum up the opposition's difficulties with this legislation, which does not contain enough guarantees about the long-term viability of the country ports. There is not enough guarantee about the long-term viability of, indeed, the port of Adelaide. The opposition is concerned that there are so many unresolved issues and that so many agreements have not been made. The government has left all of this to a very late stage.

Mr Venning: What are you going to do? Are you supporting it?

Ms HURLEY: I can assure the honourable member that we will oppose this bill strenuously. I cannot see how the member for Schubert, or any of the other country members in the government, can, in conscience, support this bill when those guarantees, particularly with respect to the stevedoring industry and the dredging of the port to provide deep-sea facilities, is not assured by the minister. It would be completely irresponsible of this House to pass this bill when those guarantees are not in place, when those assurances are not there, when those industries cannot go forward through this process with confidence and with a minister who, thus far, has refused to talk to a number of the players and is only now having serious consultation with several key players.

This bill is not in sufficient form for this House to pass. Given that the government has had to make an admission of errors with respect to the ETSA legislation, I can only be concerned about the state of this legislation and that the government might have to come back to the House with further amendments. I am very concerned that it may all be too late if we pass this legislation. It has been suggested that we should pass this legislation in this House but, in the week between its passing here and its reaching the other place, have in place the assurances, guarantees and amendments that are required to have it in reasonable shape.

I suggest that that is not good enough. Members are here to represent the industries and their employees within their electorates. In no circumstances should members allow this bill to pass this House without the requisite assurances.

Certainly, the opposition is not about to be so irresponsible as to allow that to happen.

Mr FOLEY (Hart): As the local member for Port Adelaide, it is important that I put some views on this bill on the record tonight. I will begin my remarks prior to dinner and conclude after the dinner adjournment. From the outset, this has been a disappointing exercise. This legislation is an example of how not to win support for a privatisation process. I have said from the outset that I am one of the minister's (the member for Adelaide) few fans in this place. However, on this matter the minister has disappointed me greatly—as, indeed, he has on a couple of bills with which we will deal tomorrow night.

The minister has failed to consult properly to bring the players and the interest groups together to see whether or not there is a way through this. This legislation has not been properly thought through. The outcomes from the legislation, should it pass parliament, have not been properly thought through. There are members opposite, as I know there are members in another place, who are of an independent nature and who have some concerns and reservations about this bill. The member for Schubert, and perhaps the member for Goyder, as well as the members for Stuart and Flinders, must think very carefully about this legislation. I would not be telling tales out of school if I said that the government is not travelling that well in the bush.

Mr Venning interjecting:

Mr FOLEY: I do not know about that.

Mr Venning: You won't win my seat.

Mr FOLEY: The member for Schubert will need our preferences if he plans on coming back here for a fourth term. This is a sensitive issue in regional South Australia, and we saw that from the outset. Let us not pull any punches: the government, for clear political reasons, quickly withdrew the ports of Kangaroo Island from this legislation. The former Premier, the member for Finniss, was somewhat uncomfortable with the prospect of including Kangaroo Island. I do not know whether the decision involved anything other than pure politics: it would be easier to remove Kangaroo Island from the debate than to try to battle it through.

Certainly, as the bill relates to the port of Adelaide I have a number of concerns, as I have about some of the wider issues in terms of the way in which current operators, such as Sea-Land, have been treated by government and, indeed, the way in which, in my view, other companies involved in the port of Adelaide have not been properly consulted. Unfortunately, the way in which the minister has gone about this privatisation means that he has missed an opportunity to convince members in this and the other place of the merits of his argument. Perhaps, had it been done differently, other people may well have been more interested in hearing and listening to the arguments for the sale.

However, the manner in which this legislation has been dealt with is not good at all. Certainly, as a local member, I have not been consulted directly on local issues to the extent to which I would want to be consulted. I acknowledge that the minister has spoken to me on a couple of occasions, but I would have hoped that consultation would be more forthcoming. I do not know about the level of consultation with communities within the electorates of Schubert, Stuart, Finniss and Goyder, but there are a number of issues. I have a number of constituents, be they sporting, rowing or sailing clubs, industries and small and large business all along the Port River that are affected by this bill, so I intend, through my contribution after dinner, and most particularly during committee, to explore those issues in some detail.

[Sitting suspended from 6 to 7.30 p.m.]

Mr FOLEY: Prior to the dinner break, I was outlining how I, as the local member for Port Adelaide, am disappointed in the process that the minister has put in place. It is a process for which consultation has not been a priority. Notwithstanding a number of policy discussions I have had with the minister, at no stage—and I emphasise that—was I approached by government officers to discuss issues relating to land that affects the constituency of Port Adelaide. From the outset, it would be fair to say that we have had a fairly difficult time over the past two or three years when it has come to issues of land use on Le Fevre Peninsula. The government's decision to site the Pelican Point Power Station was taken with no consultation with the local community, industry or anyone in the port. It was simply a decision of government. To quote government advisers at the time, when they came to Port Adelaide, they were there not to consult with us but to tell us.

Of course, after that a ship breaking industry was proposed for Port Adelaide, and that was championed by many within government. Thankfully—and I acknowledge this minister—a number of people in government thought that was not the smartest project that could be dreamt up for that area. I would argue that it is not the sort of project anyone in Australia should be actively supporting, but that is a personal view. We saw the move to have the ship breaking facility put at Port Adelaide thankfully defeated.

This process involves large tracts of land. The port of Adelaide is a working port. I am not here tonight advocating that it should be anything other than a working port. Some in my community would like to see Port Adelaide move aware from being an active port to being a residential recreational area. That will not happen. It is not good for our state's economy, nor is it the right thing to do for the port. We are a port. We are the state's working port. We accept our role as a working port. However, the ability for residents, industry and the port to collocate and coexist is very important. Through this process, one of my underlying concerns is that there has been no consultation—and I repeat that: there has been no consultation—or offer of consultation and no face-to-face discussion with government officers about how the disposal of Ports Corporation land will affect the Port Adelaide community.

A variety of issues are involved. I am sure other members tonight will be able to reflect on how their ports affect their local communities—whether it is a sheep ship at Port Adelaide that stays a little longer than expected and runs the air-conditioning for an extended period (and I have to make the odd phone call to see whether we can have something done about that), or issues relating simply to the port's interaction or interface with the community; for example, buffer zones at North Haven or the use of land in other parts of the community. That is all a part of the dynamic of interaction between a working port and the citizens who live in that area. I am concerned that, through this process, I have not been approached by government to talk those issues through. In the absence of those discussions, I have to make a value judgment. Ultimately, I am elected as the member for Port Adelaide. My job is to represent the people who live on Le Fevre Peninsula. We are elected as members of parliament to represent our constituents, and sometimes that brings us

into conflict with government decisions and policy decisions of our respective parties. I feel very strongly about this issue.

I repeat: had the government shown a propensity to negotiate, discuss, and talk and work through some of these issues, I might have had a different view on some of the aspects of my criticisms that will eventuate through the committee stage of the bill, but that did not occur. We have the dredging of the river, as the Deputy Leader (the shadow minister), has pointed out. That is an extremely important issue for the economic development of this state. I absolutely support the need to dredge that river to make sure that we continue to be a vibrant working port. There are issues of environmental concern about the waste or the material that is dredged from the bottom of the river. I have not heard from anyone in government with regard to their plans or proposals, or how they intend to dispose of it. Again, that indicates a lack of consultation when it comes to the local member.

Issues have been raised about the zoning of land on the Le Fevre Peninsula. I come back to my earlier point that it is not unreasonable that people in Port Adelaide are extremely sensitive about further industrial development along Le Fevre Peninsula. That is not to say that we should not have industry; indeed, we should. We should have compatible industry with a working vibrant port, be it warehousing, intermodal services, transport services—even light manufacturing. I have no problem with that. That would be a smart use of land around the water's edge, back from the water and through the port. I do not want to see any further smoke-stack, polluting industries. I do not know the correct planning terminology for this, so I will just resort to words that I can use. I do not want any more factories spewing smoke into my community on Le Fevre Peninsula. As far as I am concerned, for the Port Adelaide community—for Taperoo, Osborne, Largs, Le Fevre, Peterhead and North Haven—all throughout the Le Fevre Peninsula, enough is enough. We have the Torrens Island power station, We will have an upgraded Torrens Island power station. We have the Cube power station, Penrice, Adelaide Brighton, Adelaide and Wallaroo—

The Hon. M.H. Armitage: Were they there when you bought your house?

Mr FOLEY: They were indeed. The minister lives in leafy North Adelaide, so I can understand how he doesn't care much about how people in Port Adelaide live.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: I am glad that the member for Adelaide is exposed here. It is that establishment side of the member for Adelaide that just cannot help bubbling out. Many people choose to live in Port Adelaide because that is where they were born, where they were raised, where their family is and where they want to live. The ritzy snobs from North Adelaide might want to come to Port Adelaide and impose their elitism. The minster can take this as read: I will do all that is necessary from this day forth to ensure that this bill does not pass, ever. I will talk to my colleagues and acquaintances in another House. The honourable member has just lost me completely.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: The snob from North Adelaide, the member for Adelaide who lives in a leafy boulevard street, thinks this of the plebs in Port Adelaide, 'Who cares about the people in Port Adelaide? Did they choose to live there? They knew the factories were there.' Indeed, the factories are there. We choose to live in Port Adelaide, and we are proud of it. We want to live there. We will defend the rights of the people of Port Adelaide against this elitist minister, government—

An honourable member interjecting:

Mr FOLEY: Another snob from Mitcham up the back—

An honourable member interjecting:

Mr FOLEY: —and a snob from Clare. We in Port Adelaide are offended by the suggestion that we should have a different standard of living from that of the elitist ministers of this government. I should have thought the member for Adelaide would be more careful in his words. He can rest assured that that little contribution will be distributed widely in my electorate.

An honourable member: Who cares about—

Mr FOLEY: 'Who cares about my electorate?'—another interjection from a senior government supporter. The member for Schubert asks who cares about Port Adelaide. I am elected and I care. If Liberals do not care for Port Adelaide, the people of my electorate can be confident in the knowledge that their member cares, even if the Liberal government does not care. You never know. You could have discussed some other issues with me, but you have lost me completely now that your secret agenda has been exposed.

Members interjecting:

The SPEAKER: Order! The member for Hart has the call.

Mr FOLEY: My community certainly has done its bit in terms of contributing to this state's significant economic development, be it Adelaide Brighton Cement or whatever. Putting on my hat as shadow Treasurer, I refer to this government's agenda on privatisation. We all know what this government wants to do between now and the next state election. It sold ETSA, having had great difficulty in doing so. I hope that your consultants are able to offer a little better quality service than the consultants involved in the ETSA lease and that they are a little more diligent in the way they have gone about this process.

Let us think carefully about this government's privatisation agenda, put aside any economic argument or rationale for the sale of the Ports Corp and look at the bottom line use of the money they will get from the sale of Ports Corp. This budget for the forthcoming year is a budget in deficit to the tune of $84 million because they have creamed $86 million off the Adelaide Casino sale. They used an asset sale to alleviate the need to put in $86 million of state money out of consolidated account to fund unfunded liabilities. It was a switch, a fraud and a trick, but it balanced this budget in cash terms. In an accrual sense it is in deficit and Standard and Poor's have said that it will be in deficit for the next four budgets. I know what you will do with the proceeds of the sale of Ports Corp, as you want to do with the TAB and, most disappointingly, what you want to do with the Lotteries Commission. You will use those proceeds to alleviate the need to properly structure your budgets over the course of the next two years—your remaining two years or 18 months in government—to fund your budget bottom line to enable you to pork barrel your way to the next election.

This government knows it is gone. This is a government that knows that it has no political future beyond the next election. The only opportunity this government has is to pull some rabbits out of the hat, some cash out of the bottom drawer to throw it at the electorate to build a few monuments and make some unfunded promises and do something with the emergency services levy. What better way to do it from their way of thinking than to cash in a few state assets? If you think I am not telling the truth, look at the last budget and the

fact that the government draws off $86 million from the $186 million sale of the Casino to do that very thing. Do not for one moment think the government will do anything differently with the sale of Ports Corp, the sale of the TAB and the sale of the lotteries. We will not let that happen.

I will say a little more about Sea-Land later. The former Labor government, with the support of the Shipping Users Group and the Chamber of Commerce, removed an inefficient poor container terminal operator some years ago at a significant cost to the taxpayer and brought in Sea-Land. What has Sea-Land done? It has had best practice container lifts. It has beaten every container lift standard around the nation. During the wharfies' dispute they were matching and bettering the very targets and benchmarks put forward by Peter Reith. This government wants to move them on. They are not prepared to acknowledge that Sea-Land played a very important role in taking our container port from a minuscule container lift rate to a very strong number which is growing. Nobody on this side of politics is advocating that there should be an absolute monopoly for Sea-Land. Of course it should have competitive pressure.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: The minister laughs. The minister does not like Sea-Land—we know he does not like Sea-Land, because Sea-Land did not play to his agenda and the agenda of his friend, Peter Reith, during the wharf dispute, and for that Sea-Land is being penalised by this government.

The Hon. M.H. Armitage: Rot.

Mr FOLEY: Make no mistake about it—Sea-Land is being victimised for not dancing to the tune of Peter Reith some two years ago. Sea-Land has met best practice and has given our port an edge. I am not suggesting that it should have an absolute guaranteed existence down there without competition.

The Hon. M.H. Armitage: Yes, you are.

Mr FOLEY: No, I am not. We will go through this in committee. You do not have enough container lifts to sustain two container operators. You know that; your advisers have told us. They have told us that 180 000 container lifts is what you need to have two operators. We are running now at 130 000—work it through. Sea-Land has a four-year lease remaining. It needs to invest in the port of Adelaide, but they have treated the company with contempt.

Mr VENNING (Schubert): This debate involves a very important issue—probably the most important in my 10 years in this place. I initially declare my interest in this bill, first, as a grain grower and, secondly, as a member of South Australian Cooperative Bulk Handling—a company vitally involved in this process and as a long time advocate of deepening and upgrading our ports system. We had a Rolls Royce system in 1995. We went to the bulk handling of grain and had one of the most modern systems in the world when we put in the infrastructure. It was a Rolls Royce system. Today the 'Roller' has not been upgraded and it is clearly behind present acceptable industry standards. We are fast becoming non-competitive, particularly in relation to the handling of large ships.

Our industry is looking for guidance and leadership in this debate tonight. I listened carefully to what the member for Hart just said. I agree that he has a passion for Port Adelaide as a working port, but we have tried for 30 years through Liberal and Labor governments to have this port deepened and it has never happened. This evening I tie my support of this legislation to the upgrading of these ports. I honestly believe that it is the only way it will ever happen. Our industries, not only the rural and grain industries but all our exporters, are looking for guidance and leadership tonight in this debate. I can understand members' anxieties. The member for Hart would have to agree that the only future Port Adelaide has is to have it upgraded and deepened, whether Outer Harbor, Port River or both.

I support the sale of the ports on the one condition: that it is the vehicle to upgrade and deepen the port. That is my deal and my position. I can stand in my place and say as I wish and I speak from my heart on this matter. I do not have to kowtow to anybody in this place and I am not doing so. This has been an issue for over 20 years in our industry. We have had three widely publicised reports, four committees set up to look at this issue and still we cast about for the answer. Wheat, barley and our grain industries generally have been a key to our state's success for over 100 years. They have been a key export earner for generations, and they have been so successful because they have been the most efficient not only in Australia but in the world, with no subsidies and no price maintenance.

Our producers have battled against the odds and because they have done so they are still mean and lean and are looking for everything the government and industry can give to keep them efficient. One of the biggest problems today is that the cost of getting their grain on the export markets is being hampered by having to be tied in using small ships, particularly in respect of lower priced commodities like feed barley. Our exporting competitors are using very large ships to export these lower price grains and it reduces the cost of freight by about half. That half is often the only difference between being viable and not viable. There is a threat because our ports are becoming inefficient and we must have the option of the least cost pathways with our inability to load large ships. The panamax ship is a term we hear a lot about in this place. A panamax ship is one between 50 000 and up to 79 999 dead weight tonnes and, as they are now the world norm, we must have the ability to load them at our key ports.

An honourable member interjecting:

Mr VENNING: As the member for Hammond reminds me, it comes from a ship that was capable of traversing the Panama Canal; it is the largest possible ship; any bigger ship will not traverse the canal. But already we are seeing bigger ships on the horizon. These larger ships which are called cape ships are in excess of 80 000 tonnes dead weight. We are talking about giving up a port to handle panamax ships, yet already larger ships are being built. I believe that we should be planning for the future, not just for today. But at least two of these ships are coming to South Australia and are logged to visit South Australian ports in the next few months.

Before I came to this place, I had input into much of the decision making processes over many years, and I agree with the final report of the South Australian Deep Sea Port Investigation Committee, dated January 1999. My support of this bill is totally dependent on the recommendations of this report's being agreed to and implemented. The four recommendations in the report are as follows:

The Deep Sea Port Investigation Committee recommends that:

1. The development of the grain ports at Port Giles and Port Adelaide (inner harbour) to full panamax capability, and Wallaroo to part panamax capability.
2. Development of the grain export facilities to be staged over a five year period.
3. The grain industry approach both the commonwealth and state governments regarding funding and support for the proposed port developments.

4. Detailed project planning and implementation of the developments at Port Giles, Port Adelaide (inner harbour) and Wallaroo commence immediately.

Recommendation No. 1 is by far the most important recommendation, that is, the upgrade to full panamax capability. That is the industry position; it is made quite clear; there is no argument.

Mr McEwen interjecting:

Mr VENNING: That is the position of the Deep Sea Port Investigation Committee as I know it still to be—and that is the third report. I believe that the only way this can come about is to include it and, even better, to lock it into the sale process—and I have spoken to the minister about this—and even into this bill, so that it can be achieved concurrently. I know it can be done contractually afterwards, but I would like to see it in the bill so that, if we pass this bill, there is no doubt whatsoever about it. I know what the political process is like: governments come and go and time passes by. We have been here before and still nothing has happened. I hope this is a point in time when something can happen—and that is why I am supporting this bill.

I have appreciated the extensive briefings given to me and my colleagues by the minister. It is a very complex issue and, certainly, I know that the minister gets somewhat frustrated, but what he is doing is difficult indeed. I am confident that in the end we will come up with a very good situation. We have other pressures, including the influence of the Victorian ports, particularly the port of Portland. It is purely a political decision whether to promote our own port of Adelaide or to use the Victorian port of Portland which has full panamax capacity. Do we recognise the existence of the state border as a boundary? Will we put the future of Port Adelaide at risk if we do not upgrade it fully? It will then play into the hands of those who want to promote Portland.

We are seeing other rail operators, apart from ASR that operates our grain paths at present, and huge companies such as Freight Australia (which is backed by Freight America) coming onto the scene and others who are wishing to get involved. Freight Australia has recently taken over all the western Victorian lines and is now eyeing off our South-East lines. It will be very difficult for us to keep the company out, because this company obviously wants to use Portland as its hub and will pull grain from as far away as Tailem Bend if we allow it.

In the end it will be the cost of the freight that decides which way the grain path will go. Certainly, decisions we make here will be reflective of decisions made by industry as to which ports succeed and which ports fail in the months and years ahead. This is a very important decision which will impinge on many other decisions, including rail decisions, road upgrade decisions, and so on.

I understand that the government does not require legislation to sell the ports: I believe it can do it in any event if it wishes. Apparently, that fact has not been refuted. I agree that legislation would be the much more preferable way to go, because then it is done without the heat and political acumen that would follow a path such as that. Also, I am happy that all proceeds of the sale be guaranteed and not just lost to general revenue—and I understand that is the case in any event.

Industry wants an iron-clad guarantee that the upgrade process is intrinsically linked to the legislation to sell. If not, I believe the industry, grain growers and rural exporters will be happy to leave the situation as it is. The status quo is an option, I am afraid to say, but that will not get us anywhere: that will not save the port of Adelaide, as the member for Hart said a minute ago.

The South Australian ports already have the highest charges in Australia at $1.50 approximately per tonne compared with only 20 cents at Portland. One does not have to be a great mathematician to work out what would happen to all the grain halfway between the two ports—and Portland, of course, has panamax capacity. That is why it is cheaper: it can load large ships very quickly. When we talk about $1.50 per tonne here in South Australia, I know it is a port averaging position, but to change that system to an actual port costing would be a very different and difficult political exercise. That then brings other forces to bear. Certainly, $1.50 is an averaging across all our ports, but if we were to change that and put the actual costs on the port let any member say that: I will not support it because it will cause all sorts of problems which need not confuse the issue now. If there is an interim period, I would support the setting up of a working party to take the whole issue out of the current arena.

Some people have accused PortsCorp itself of delaying tactics (which is debatable), but a working party would solve that. There is debate about the dredgings in the Port River. Someone told me that PortsCorp put down bore holes many months ago, but nothing has been heard about that since. That issue will be a pivotal part of this argument, that is, whether the silt at the bottom of the Port River is able to be deposited on land—which would be the cheapest option and which would create an asset on a land area. If it is not suitable, if it is contaminated—and I hope it is not—certainly it would create other complex problems which would add massively to the cost.

The Environment, Resources and Development Committee, of which I am chair, has asked questions of the EPA in relation to this matter.

Mr Clarke interjecting:

Mr VENNING: At least we all are speaking with one voice; we all have a desire to make this work—no ifs or buts.

Mr Clarke interjecting:

Mr VENNING: That is what happened at Patawalonga. We stuck the Patawalonga dredgings on land—and they are still piled up under the net. What will become of that? We hope and pray the dredgings from the bottom of the Port River are environmentally friendly and can be deposited on land to create a land mass which, in turn, becomes an asset rather than a liability.

I am concerned at the utterances by the Democrats in relation to this issue. They are talking about the contamination of these dredgings and whether they will be deposited on land. How do they know? If there is any doubt at all, why do they take the negative? Why do they put the fear of God into people? Why do they give people false hope that this is the way to stop the whole project? I get cross when politicians get up and say, 'It's contaminated.' Who knows?

Mr Clarke interjecting:

Mr VENNING: Certainly. The position of the Labor Party is bewildering because they talk about our working port of Port Adelaide, as the member for Hart said earlier, whereas if it is not upgraded very soon I believe it will become just a fishing port being unable to fully load these larger vessels. Another 30 years will go past and the member for Hart will go through his political career on the opposition benches and not achieve anything. We should be looking at a bipartisan approach on this issue, because the only way Port Adelaide

has a future it if it is upgraded and deepened. There will be stumbling blocks in our way; that issue has to be debated.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart.

Mr VENNING: I believe that Port Adelaide is pivotal to the success of South Australia; its roads and rail are the hub. Other events are happening concurrently with this issue and one is the future of Ardrossan, which is held by a BHP indenture. We all know that BHP is divesting itself of all its indentures, and this indenture will come back to the state government and then what will happen? I was curious to see that there has been some action here in the past couple of days. I do not want to see this port offered for sale, because it will confuse the total scene. The worst scenario would be for CBH to buy this port and then, because it cannot sort out the others, upgrade Ardrossan.

Mr Foley interjecting:

Mr VENNING: Port Adelaide is not my port: it is a port for South Australia. Ardrossan could be classed as a red herring at this stage. It is uncanny that, at this very time that we see the indenture of Ardrossan coming off, I gather that BHP will offer it for sale; so, whether or not the government has the indenture is a very debatable point. The future of the South-East rail lines comes into the equation right now. If we sell them to a rail operator we must ensure the rail operator upgrades both lines—the north and east lines—because if it upgrades only the east line it means that Portland will be the only port servicing the South-East of our state. That also impinges on this decision.

The Outer Harbor option was raised again. I have always asked why we would want to build a major port up the creek when we can go around the corner onto the open sea so I have always supported the Outer Harbour option. We know that bigger ships are coming, and they will continue to come. I gave away that argument some time ago, because I did not want to delay the process and did not think it was achievable, but perhaps it is, and I hope it is, so we should possibly create an interim period so we have some time to consider it in here for the last time. In the long term I am sure that the people of South Australia will thank us if we pause now and say that the best place for this port is at Outer Harbor, not up the river, that is, the Port River, because trying to turn a panamax ship in that confined area is very difficult. Unless we go to a full upgrade they cannot be floated out full, anyway. It is all very well for pundits to say we can half fill a large ship with barley and float it to Port Giles to fill up there; that is an added cost. And how will we do it with wheat? How much wheat do we get at Port Giles? Very little; it is all grown at the northern part of Yorke Peninsula or elsewhere in the state, not on Lower Yorke Peninsula. So, where will the wheat come from? Where will we fill up the wheat boat? It will be at Port Lincoln, but look at the costs of that, because Port Lincoln costs are also very high.

Outer Harbor is my preferred option, but I do not want to propose it because I think it will delay the process unnecessarily, but if we had time it could be considered. The Port River option will probably involve $30 million dredging and $30 million infrastructure expenditure by CBH, totalling $60 million. It is well on the way to building all new infrastructure. I can remember years ago standing with my late father who was Chairman of CBH, and the late Duke Acton on the Port Lincoln jetty as they discussed whether they should spend $15 million just to do the job to load average ships or $35 million to extend the wharf so they could load panamax ships. They decided to bite the bullet and put all the growers into heavier debt to build a super port. Thank goodness they did, because it is the only port we have today that can fully load panamax ships in all weather. I remember that with great clarity. I say we should not be penny-pinching right now, but we should build the best facility. I reiterate my support for this bill, contingent on a guarantee of a three-port upgrade, as recommended by the South Australian Deep Sea Port Committee, 1999.

Mr CLARKE (Ross Smith): I support the comments of the deputy leader and the member for Hart. I will not repeat all the points they have made, because they have made them quite succinctly, and they are areas I agree with. However, I want to make some comments with respect to the member for Schubert and some of the speakers for the government who have yet to speak. Perhaps I am using a process of osmosis, but I think I can fairly well predict what they will say, which may vary a little but it will essentially follow the member for Schubert's argument. The fact is that the Ports Corporation is a profitable public enterprise. There is no reason for it to be sold to the private sector. As the member for Hart pointed out in his interjections to the member for Schubert, when it comes to upgrading the Port of Adelaide facilities it is a question of priorities.

Here we have a government in which members of the Liberal Party opposite adhere to a philosophical line that they do not mind wasting $30 million on a white elephant in the Hindmarsh soccer stadium or $10 million for the West Beach groyne boat harbour, which is destroying our beaches and our environment in that area. They do not mind wasting millions of dollars on EDS and Motorola and $28 million on subsidies to the Australis company—which failed—but they will not allocate the money necessary to upgrade the Port of Adelaide, which is already earning a profit for the people of South Australia and is able to take in those bigger ships and do the productive work which we want, and still keep it in public ownership for the benefit of all South Australians, in perpetuity. It is a question of the allocation of resources, and this government has mismanaged or resources absolutely shamefully.

The most recent example was last week with respect to the foul-up on ETSA. Despite this government's saying it does not cost the taxpayers any money, let me simply say that as a South Australian I felt acutely embarrassed to have such a dumb government in charge of this state to make such a stuff-up that it took a public servant earning less than $100 000 a year to wake up to this mistake. We as a parliament had seen $90 million taxpayers' money pay for expertise which could not pick up a basic mistake that a public servant earning less than $100 000 a year could pick up. I felt ashamed and embarrassed. I have just returned from a trip to Asia looking at underdeveloped nations that are striving and making giant strides to overcome their disability and underdevelopment, and I come back to this state to have confirmed to me that we are being led by the bunch of no-hopers and clowns we have operating as the government of this state. I felt embarrassed as a South Australian. We are a laughing stock throughout Australia and overseas, to be led by a government of such ineptitude.

It is not just the ETSA deal of last week; let us go back over a little bit of history. Whatever this minister has privatised he has stuffed up. Whatever this government has touched when it has privatised a public enterprise has cost the people of South Australia money. We only have to look at the magnificent deal that this minister did as minister for health

with respect to Modbury Hospital. 'Oh,' he said when he came into the House in the last parliament, 'I have an iron clad guarantee. I have a contract which locks the private enterprise company into fulfilling certain contractual deeds and, if they do not do it, we will fine them. They are bound hand and foot to these contracts.' Have we seen the minister front up to the Supreme Court to enforce the contractual rights of the people of South Australia? Not on your life. This minister as part of the government has sat back and allowed Modbury Hospital under private enterprise to simply cut services, dismiss staff—

The SPEAKER: Will the honourable member tie up some of those remarks to the bill?

Mr CLARKE: I certainly am doing so, sir. I am saying that this minister has form. I understand he likes the horses. He runs last on every occasion that he is in charge of a bill where public enterprise has been privatised. We only have to look at Modbury Hospital to see where this minister has form and where the public of South Australia has been short changed both in cost terms and in the delivery of service. We will see this repeated with respect to the TAB and the Lotteries Commission when we debate that tomorrow. We can also look at ETSA and the privatisation of the water supply.

We were given assurances in this House in the last parliament that when the Adelaide water supply was privatised there were rock solid guarantees—ironclad contracts—that made sure that the private enterprise operator would deliver a certain minimum level of services or they would face hefty financial penalties. Well, United Water has breached a whole range of important contractual guarantees, not least being majority Australian ownership with respect to the setting up of other companies and new employees in this state, and a whole range of quality control measures they were expected to meet under their contract which were not fulfilled. We know that when the whole of the government's information technology operation was outsourced to EDS the Premier said (he was then the Minister for Manufacturing and Industry)—it may even have been the former Premier, the member for Finniss, who also said—that EDS was locked into minimum quality control contracts in terms of services delivery and cost.

Despite blow-outs in costs and the non-performance of the contract, this state government did not take them to the Supreme Court to enforce those contractual arrangements. Why? If they had come to me I could have given them some good advice that was very cheap and more accurate than they got from their QCs. At the end of the day, they are not game to take them to the Supreme Court: first, because they would expose themselves as the bunch of clowns they are in terms of the agreement they entered into; and, secondly, if a company the size of EDS can stand off the state of Florida in the United States with 13 million people and browbeat and almost bankrupt the state of Florida so that Florida cannot enforce its contracts, the state of South Australia is in no position to enforce its contractual arrangements with EDS. So, that has been a failure as well.

This government has form and this will be another botched job. Within months of any successful legislation passing through this parliament on privatisation, there will be another knock, knock at the door by the Treasurer going in to see the Premier and saying, 'You wouldn't believe it but there's been another mistake', and what will the Premier do? Well, if he had any brains he would reach for a gun and deal with his Treasurer in the appropriate fashion. This Ports Corporation issue is an absolute disaster in the making and the minister concerned has form.

I will also deal with the recreational fishers—I cannot stand that term: fishermen, and I acknowledge that women fish as well. I will not go through all this politically correct neuter gender and then I have to examine myself in the mirror to find out what I am. Clause 16 will be dealt with in committee. All that clause says is that the minister, on entering into a sale or lease agreement with a purchaser, requires the purchaser to enter an agreement governing access. That agreement will be between the local government body and the purchaser. First, it does not say that there has to be free public access to the jetties. An agreement can be made under clause 16 between a local government authority and the purchaser to impose an entrance fee for members of the public to fish off the jetty and it will be lawful. It will not be the free public access that we now enjoy. I am not much of a fisherman but I do enjoy the odd bit of fishing off the Wallaroo Jetty in the member for Goyder's electorate, and so do many others. There is something like 450 000 to 500 000 recreational fishermen in this state and if this government—which is even further down the tube politically than I thought possible—wants to totally destroy itself beyond recognition it would be to see some smart agreement entered into between a local government body and the purchaser of the Ports Corporation to allow for entrance fees.

The member for Schubert looks worried. I suggest that he read clause 16. In clause 16, where does it say that public access must be free? It deals only with an agreement between the local government body and the purchaser. I am a bit suspicious. Local government is just as rapacious as state or federal governments of whatever political colour and if a nice deal was done between the local government authority to say, 'Well, let's just charge 50 cents or a $1 a head for the use of the jetty', the wedge is in. And it will increase, just as the GST will—or any other tax. The member for Schubert nods his head and says, 'It won't happen.' Well, he never thought there would be a stuff-up with ETSA. He never thought there would be a foul-up with Modbury Hospital; he never thought there would be a foul-up with Australis; he never thought there would be a foul-up with the Hindmarsh Soccer Stadium—but there was. He would do well to read clause 16.

Clause 17 refers to enforcement of recreational access agreements. Who is entitled to enforce it? Not I as a private citizen who has been denied access to the Wallaroo jetty because of some deal. Clause 17 provides:

(1) The Supreme Court may, on application by an interested person, make orders for the enforcement of a recreational access agreement.

(2) The following are [defined as] interested persons—

(a) the council for the area in which the land to which the agreement relates is situated;

(b) an occupier of land to which the agreement relates.

It does not talk about the recreational fishermen. The other point is that, whilst clause 16 imposes a responsibility on the minister to require the purchaser to enter into an agreement governing access with a council covering the area, it does not mention how the agreement is to be worked out. What if there is no agreement? Does that mean that until an agreement is reached there can be no public access to that jetty? Is that what it means? That is what I think, and the member for Hammond agrees with me—there is a meeting of minds if there ever was, although I refrain from mentioning the hollow logs. If there is no agreement, there is no compulsion for an agreement. An agreement cannot be made under compulsion because there is no mechanism to arbitrate.

I will be interested to hear the minister's closing second reading speech, or his answers in committee, and whether he can point out where this bill provides that there must be an agreement (because you cannot compel people to agree if they do not want to) and, if so, what is the status quo in terms of public access in the interim until an agreement can be reached. I should also like him to say whether there is a form of arbitration between the local government authority and the purchaser to make a binding award, if I can term it that way—some form of arbitration—with respect to these things? As I say, most importantly, does this legislation prevent the imposition by agreement between the council and the purchaser of charging an entrance fee, no matter how small, because that is not what we are voting on?

The member for Goyder and the minister concerned travelled to the Wallaroo jetty, where the minister issued his press statement to all and sundry, saying, 'We have fixed the problems of recreational fishing. They will have public access.' That was his promise, and that was the view that was communicated to the public at large. But this bill does not guarantee it. I suggest to the member for Schubert that he look at it because, even though he believes that he is in a safe Liberal seat and that the Labor Party can never win that seat, Independents or Nationals can, and I would suggest to the member for Schubert that there are a lot of recreational fishermen or fisherpersons, however you want to describe them—

Mr Foley: Fishers.

Mr CLARKE: Fishers—who live in the seat of Schubert. When they drive across from the Barossa Valley and go to Wallaroo for their three weeks' holiday at Christmas time, and when they are just about to step foot on that jetty—it is stinking hot, the fish are biting and there are plenty of crabs—and someone wearing a white overall stands there and says, 'That will be $2 thanks, and $1 each for your kids to come on to that jetty to fish,' do you know what they will be thinking about, member for Schubert? They will be thinking of you. Not only did your party give them the emergency services tax, the goods and services tax and the water levies but now, when they take their kids onto the jetty to catch a few tommy ruffs, you are going to bill them; you are going to charge them—because you were too slow off the mark to ensure that their rights were protected under this legislation. So, I suggest to the member for Schubert that he take very careful note—

An honourable member interjecting:

Mr CLARKE: I am the Labor duty member for Schubert, so I want to look after the member's interests. I am looking after the people of Schubert, even if the member is not. While he is waxing lyrical on the advantages of privatisation, I am looking after their interests as the ordinary punter.

I will conclude—and I was only going to run for a few minutes, sir, but the member for Schubert unfairly diverted me from the main thrust of my speech. I have one other point in terms of clause 17. I ask the minster: why must we go to the Supreme Court to enforce recreational access agreements? Admittedly, under the definition of 'interested persons', it deals with local government bodies or occupiers of land. But I think that it also ought to include the local punter who wants to fish off the pier if he or she thinks that they have been unfairly dealt with. People do not want to go to the Supreme Court. I know what it costs to go to the Supreme Court: it is not cheap. It will be an absolute deterrent for people to enforce their rights. I do not see why it should not be simply taken before the local magistrates court, where the costs and fees can be kept within the reach of ordinary people. So, I will be interested to hear the minister's reply. In any event, if we had any commonsense at all in this place, we would vote unanimously against the privatisation of our Ports Corporation.

The Hon. G.M. GUNN (Stuart): I support the second reading of this very important measure, which has a great deal of benefit for the people of South Australia—

Mr Clarke interjecting:

The Hon. G.M. GUNN: The honourable member has just waxed off for about 19 minutes, and he did not tell us much—and he could not even read clause 16 properly.

Mr Clarke: Well, you tell them.

The Hon. G.M. GUNN: I will in a moment.

Mr Clarke: Come on, you know all about lawyers; you tell them.

The Hon. G.M. GUNN: I will in a moment, because I just—

Mr Clarke: How long's your arm?

The Hon. G.M. GUNN: Not as long as your lawyer mates'. You know all about lawyers, Ralph; you have been looking after them for a long time. Let me bring my attention back to this measure, one of three bills which will allow the government to dispose of the assets and, in doing so, give us the ability to upgrade certain port facilities which are absolutely long overdue. If the welfare of the people of South Australia is to be properly looked after, and if we are to be in a position to compete on an international basis, the port of Port Adelaide must be upgraded, especially if we are going to be able to compete, particularly as grain growers.

Many of my constituents are in semi-marginal farming country, and the freight differential is a very significant cost to them. If someone lives close to a port and they do not have to pay that $8, $9, $10 or $12 per tonne, it makes a great deal of difference to their bottom line. One of the other difficulties that we face in South Australia is the difficulty of two port loading, where ships have had to go to a second port to top up; that is an added cost.

Some of us will recall what took place many years ago when Port Giles was built. The grain industry was told, 'We will build Port Giles; you make a contribution. A surcharge will be put on Port Giles because these people will get a benefit.' Everyone went along and played kicks in the same direction; good show. But what happened? A bit of skulduggery took place. There was a bit of 'scratch my back and I'll scratch yours. You do the right thing, fella, and we'll let you off the hook.'

Mr Clarke: Sounds like the soccer stadium.

The Hon. G.M. GUNN: The honourable member may be an expert on the soccer stadium, but I have a good memory in relation to what took place at Port Giles, and so does the rest of the grain industry. I just wanted to make that point.

I listened with some interest to the member for Hart, who spoiled his contribution by engaging in some sort of class warfare act—I did not quite follow what he was going on about—and making some sort of accusations that, because people lived in a particular part of South Australia, they did not understand the difficulties of people living in other starts parts of the state. I thought that was a bit beyond the pale, because it was not correct. Notwithstanding that—

Mr Foley: I didn't put you in that category.

The Hon. G.M. GUNN: I hope not, because I represent some—

Mr Foley: The member for Adelaide.

The Hon. G.M. GUNN: The member is being very unkind to the member for Adelaide, and I do not know why. In relation to this measure before the House, the member for Adelaide has given the people of South Australia the best opportunity to upgrade the port of Port Adelaide that we have had in the past 30 years. And there have been a number of reports; there have been a number of committees; there have been heaps of recommendations; there have been discussions and debates; and there have been talkfests, but no-one has come up with the money. Not one government has come up with the money to fix the port of Port Adelaide in the interests of all South Australians.

If we spend the money and upgrade the port not only will it benefit the grain industry but it will also benefit many other industries in South Australia. That is the basis of the decision that we are debating tonight. If we take that decision it will benefit the honourable member's constituents. It will create employment. I note the honourable member's point about having dirty industries. The community does not have to put up with that any longer, and I entirely endorse that. In the past my constituency thought it was all right to have coal dust poured over Port Augusta. That is no longer acceptable, nor should it be—it should never have been acceptable.

I understand quite clearly where the honourable member is coming from. We know what happens when the old power house is started up. I entirely agree that whatever is done should be environmentally friendly and aesthetically sound. I agree with all of that. I flew in from Port Augusta yesterday. I flew right over the honourable member's electorate and I could see that a lot of development is taking place. There is potential for a lot of housing development and I believe that that would be a very good thing. Obviously, there is a need to set aside certain areas for open space and recreation. It would be a great pity if the whole area were jammed full of houses.When you fly over the area you can see quite distinct potential but, at the end of the day, this debate really relates to a number of issues: whether we make some minor improvements at Port Giles and Wallaroo and major improvements at Port Adelaide. That is the decision that we are debating tonight.

Without these particular bills passing in the future that will not be the case and that would be contrary to the best interests of the people of South Australia. No matter how people dress it up and go on about all sorts of side issues, that is the paramount question that must be determined tonight. As far as I am concerned that is in the long term best interests of the people of South Australia and that is why I am supporting this bill—for no other reason. I have no ideological bent about whether the ports should be in government or private hands; that has nothing to do with it. I was very pleased when the ports on Kangaroo Island were not sold. I thought that the people of Kangaroo Island had a very good argument for leaving the ports as they are, and they had my support.

Mr Foley interjecting:

The Hon. G.M. GUNN: Because they were a special case: they were isolated and they did not have the benefit of being connected to the mainland. I thought that they had a very strong case and I told them so. They had my support. I make no apology for saying it. In relation to the comments made by the member for Ross Smith, I remind him that clause 16 provides:

The Minister will, as a condition of entering into a sale/lease agreement with a particular purchaser, require the purchaser to enter into an agreement (a recreational access agreement) governing access by the public to land and facilities to which the sale/lease agreement applies.

End of the story. If the honourable member needs to go to the Supreme Court to get a ruling then I think he will look after those people about whom I made some comments last week—lawyers. The situation is clear and precise. The member for Goyder was quite right when he stood on the jetty and informed the community that they had reached agreement because that is a soundly-based agreement. I know that the grain industry and the rural sector supports this concept. There is an urgent need to ensure that another port in South Australia has the ability to deal with panamax ships and, in the future, they will be bigger. There is no doubt about that.

Port Lincoln has proved to be an outstanding success and one only has to watch those ships being loaded. I lived in Port Lincoln for a few years and I remember that you could look out the window and see, within a few hours, those ships getting lower in the harbour. I saw that particular wharf being built, and what a great benefit it has been to the grain industry. The same benefits will flow for the grain industry, and therefore to the public of South Australia, if we upgrade the port of Adelaide or its environs. I am aware that the Cooperative Bulk Handling Company is preparing to spend a lot of money in the vicinity and it should all be done in concert.

I support the second reading because I believe that the legislation will bring into place the upgrading of the ports which has been long talked about but about which there has been little or no action. The need has never been greater. This proposal will give government and industry the ability to effect the needs of the grain industry, that is, an improvement in the port system.

The Hon. M.D. RANN (Leader of the Opposition): As the deputy leader explained, Labor is very much opposed to the sale of the Ports Corporation. We are certainly concerned at the state of flux with respect to the negotiations. Again, we have a privatisation that is being rushed through the parliament without all of the i's being dotted or t's being crossed. Again, we are dealing with important legislation about the strategic future of this state while the government is still unresolved with key stakeholders in the industry. It is no wonder that we continue to have mistakes but it is quite clear that the government has not learnt from the bungles and problems caused by the electricity sale process.

Here it goes again, negotiating this morning, during the day and tonight, trying to resolve issues—issues that should have been resolved before the parliament considered this legislation. Again, as the deputy leader remarked, not only do we have a series of outstanding and unresolved issues, but we have repeatedly been told by key stakeholders that the government has not properly consulted about this important legislation on an important strategic industry operation for the future of our state. This legislation represents, of course, a huge sell-off. Every port in the state is on the auction block, except Kangaroo Island but, again, we have not learnt from the ETSA sale process.

Labor is very concerned that there is no guaranteed tenure for the stevedoring company, Sea-Land, beyond its current contract. We have certainly been impressed with the expertise and efficiency of Sea-Land. It has an excellent relationship with its work force and, indeed, with the union representing the work force, the MUA. When I was at the wharves with Kevin Foley and most other Labor members of parliament the

year before last during the MUA dispute—when Peter Reith, the federal industrial relations minister, actively sought to break the law in a conspiracy with thieves and brigands to undermine the law of Australia—it was interesting to see that Sea-Land was not part of that kind of activity and conspiracy.

Instead, Sea-Land actually showed us how it had worked with its work force in terms of workplace practices, management practices and technological and human resource management advances to work together with the work force and the MUA to make the port of Adelaide much more efficient terms of its through-put and the way that it handled export cargoes. Certainly, the approach taken by Sea-Land at the port of Adelaide contrasted enormously with the approach being taken in Melbourne, Sydney and other ports around the country. I am pleased that the deputy leader remarked in her contribution that Sea-Land had informed her that it intended to put a great deal of investment into its facilities at Port Adelaide. It is talking about adding infrastructure and investment over the next couple of years.

However, its lease expires within four years, and before it makes that significant and costly investment, in addition to the huge technological improvements through computer management and handling, it would like to see some guarantee of its own tenure. Therein lies a problem: there is no guarantee of tenure or a future for Sea-Land in terms of this bill. Understandably, Sea-Land is unwilling to provide the level of investment that is required for the port of Adelaide when a competitor might be introduced which would reduce its ability to operate efficiently. When we are talking about the privatisation of the port of Adelaide, it is worth mentioning that even Jeff Kennett, during his manic campaign to privatise everything that was going in Victoria—including the provincial ports in Victoria; I think three of the ports were privatised—did not move or did not introduce or pass legislation to privatise the port of Melbourne because of its strategic importance to the future of Victoria. However, that obviously is not the case in this state, because the government simply wants to privatise everything that moves before the next election—and it is now openly talking about its own defeat at that election.

For ideological reasons the government wants to sell off everything that is going before the election. If it does get re-elected—which is highly unlikely—obviously the hospitals will be on the auction block after the election. Meanwhile, we see the TAB, the Lotteries Commission and now the Ports Corporation being put up for sale, obviously in a bid to raise as much money as possible for the election campaign next year or in order to try to prop up once again the bottom line of the budget, as it did with the Casino sale this year. So, there are more asset sales designed to prop up the budget bottom line. In doing so, the government is prepared to risk the strategic future of the state industrially for its own political purposes.

Certainly we in the opposition have no problem with competition being introduced into the stevedoring industry at the port of Adelaide. However, we would not like to see a stevedore operator which has been operating efficiently and working with its loyal work force being forced out by another stevedore, perhaps one that has operations in Melbourne that would like to see our port to be a branch office or a feeder port to the one in Melbourne or elsewhere. In that situation, and with no guarantees, that operator would then run down the stevedoring and port industry in Adelaide and direct much of its work to the port of Melbourne or some other port. Those reassurances are not available within this legislation, as the deputy leader pointed out. So, we have the extraordinary situation where a stevedoring company, Sea-Land, which has turned around the port of Adelaide, increased the throughput substantially and made Port Adelaide highly competitive, is now left with basically absolutely no assurances as to its future. That will produce a Mexican stand-off, where Sea-Land will not commit to a reinvestment in the port of Adelaide unless it can be convinced that its future is not imperilled.

The Deputy Leader of the Opposition mentioned a range of other issues, including those relating to environmental concerns and local government issues. One of the key issues the honourable member raised came from the South Australian Farmers Federation, which is also concerned about threats to the port of Adelaide and also the situation of our grain ports. All of us who are concerned about this state's future, who recognise the importance of our agricultural sector in our exporting and also in the economic future of our state, must understand that it is vitally important for our grain industry to remain competitive and, indeed, to increase its ability to stay competitive. Certainly, as has been pointed out by a number of speakers, there has been an increasing tendency for the bulk grain industry to go to larger and even larger ships. I understand that the member for Stuart was just recently speaking about panamax shipping. Perhaps, if he had an eye to the future, he would be able to look towards the post-panamax vessels being used in other parts of the world, with the South Australian vessels tending, as a result, towards going up to panamax standard, but unable to use the port of Adelaide in the current circumstances.

A report has been completed, and the Deep Sea Port Investigation Committee found that there was a need to deepen substantially the port at Adelaide to enable panamax-type vessels to use that port. As was stated in the letter that the Deputy Leader of the Opposition read into *Hansard* from the South Australian Farmers Federation, the industry itself is prepared to put in $30 million to improve land based infrastructure, but it is asking the government of South Australia for a contribution by dredging out the port of Adelaide to enable panamax-type vessels to use the port in order to ensure the competitiveness of the grain industry and the long-term future of the port of Adelaide.

As I understand it, the Olsen government is refusing—or certainly is refusing at this stage, even though we understand negotiations are going on in back rooms around the place—to commit any government funds for the dredging that would be required to bring the port up to scratch. That is obviously a key issue. It is expected that the industry will contribute the full amount and that the industry would negotiate with the new port operator on how and when this would be done and on whether the new port operator would contribute any money to that process. We are very concerned about the stand-off with Sea-Land such that it is not prepared to commit to reinvestment. From the point of view of Sea-Land and the grain industry, it seems that there is no strategic direction from this government. The actions that the government is about to undertake undermine the competitive position of the two industries, and we cannot see how that can be in the interests of the state.

My advice to the minister, who is keen to make a name for himself in terms of privatisation, is to go back and consult more fully. He should not come into the parliament with legislation when the outstanding issues have not been resolved. The deputy leader has already referred to a range of other issues, including the issue of recreational access, and

that is something else that needs to be addressed. However, Labor remains unconvinced by the government's arguments about the privatisation of the ports, and that is why we are opposing this legislation.

Mr WILLIAMS (MacKillop): I rise to support this legislation and, in doing so, I declare my interest as both a grain grower and a shareholder of SACBH. It is because of my knowledge of those industries, the grain industry in South Australia and my desire to see Port Adelaide continue to operate as the freight gateway in and out of South Australia that I support this legislation. Many members have already realised that for South Australia to maintain a working, operational port it must be competitive. Indeed, I was heartened to hear the comments of the member for Hart, acknowledging that Port Adelaide was a working port and that he wished it to remain that way, even though he did rail against heavy industry being situated in and around Port Adelaide.

The reality is that Port Adelaide brings together all those functions we need to have where we have developed heavy industry. We obviously have the port facilities, gas and power available and land transport, both rail and road, all accumulating at that point. It would be a great pity if, for some ridiculous reason, we suggested that we could remove all that infrastructure and set up our heavy industry base at some other point. I reiterate that I was pleased to hear him say that he wanted to see Port Adelaide continue as a working port, because the state's future to a large degree depends on and hinges on our having a working port that is competitive on the world scene.

The member for Ross Smith did contribute to the debate almost to the limit of his time and, whilst he was speaking, I realised why the House in its wisdom some years ago actually limited the duration of debates. I question why they did not make the time even shorter. The member for Ross Smith asked one thing, namely, why we as a state would want to divest ourselves of the ports because they are a profitable public exercise. The port of Port Adelaide today is profitable. I question how long it will remain so without some serious injection of funds to upgrade the port. We have all acknowledged that and been talking about it. Possibly the debate will get down to how big that injection of funds will be and how that money will be spent.

Our transport history in this country is littered with disasters, particularly if we look at what happened to rail across Australia over the years and the way in which each state in a parochial manner squandered substantial sums of public funds to try to ensure that the produce of their state went through their ports. Those days are gone. Fortunately, we have a rail and road infrastructure which means that any producer, any owner of any commodity, can transport it to any point in this country with relative ease and in most cases at a reasonable cost to put it across a wharf.

Wharfage and port handling costs must be competitive and, if they do not remain so, ports will close. I have no doubt about that and, unless we can maintain the competitive edge at Port Adelaide, it will no longer be a working port as it is today—it will be merely a fishing port.

My electorate is indeed well served by a deep sea port, which has full panamax capacity, and that is important. Since the closure of the Wolseley-Mount Gambier railway line, a fair proportion of the produce that goes out of my electorate and a lot of the freight that comes into that electorate, particularly superphosphate, comes through the port of Portland. All the goods carried through my electorate are on road freight and, because of the distance involved, the cheap handling costs and the capacity of the port of Portland, nobody can afford to use the port of Port Adelaide.

I believe that we must do several things to enable producers in the South-East—probably the most bountiful area of the state—to start reusing the port of Port Adelaide. One of those things is to make the port competitive. It will happen only if we can get full panamax and fully laden access into and out of Port Adelaide. Certainly, the grain industry believes that is the only way that it can compete with other ports.

We need also to reopen the Wolseley to Mount Gambier railway line. Having Port Adelaide operating to any level of efficiency requires that a lot of our bulk produce, particularly grain, is carried by rail. There are great benefits to the wider state and community by ensuring that that happens. We can take a lot of the road traffic off the arterial roads throughout metropolitan Adelaide if we ensure that Port Adelaide remains a viable port and that the majority of that grain can come into that port via rail.

If it does not remain a viable port and cannot compete, a large proportion of the grain, certainly in the eastern half of the state, throughout the Mallee and through the Upper and Lower South-East, will all be exported out of Victorian ports. We have seen considerable sums of money spent at a grain terminal at Port Melbourne and the standardisation of the Victorian railways, and the Australian Wheat Board has built a large grain receiving depot at Dimboola not far across the border. The sum total of those events means that it is very attractive for grain producers over a large portion of South Australia to ship their grain out through Port Melbourne, Geelong or Portland. We must therefore be very careful about what we do here.

I have heard the word 'strategic' used several times in the debate tonight. We have to be strategic here and ensure that Port Adelaide remains viable into the future, and the grain industry plays a large part in ensuring that viability. I understand that the grain going through Port Adelaide contributes substantially to the profit of that port. I make the point to the member for Ross Smith and repeat that, if we do not make sure that the grain continues to flow through there, it will no longer be a profitable port.

I support this legislation because I believe, as you, Mr Acting Speaker, most aptly put the situation of the grain industry and how it is imperative to that industry that we maintain the opportunity—

Mr Foley: Are you guys in revolution over there?

Mr WILLIAMS: Not at all. As many speakers have said, for years people have talked about upgrading our ports and about putting competitiveness back into our ports and freight system, and I believe this is the only way we will get the funds and the upgrading work done. That is why I am supporting this. As the member for Stuart said, this is nothing to do with philosophical standpoints or viewpoints but is a matter of practicalities. If the member for Hart seriously looks at maintaining Port Adelaide as a working port (and many of his constituents would be devastated if it were not)—

Mr Foley interjecting:

Mr WILLIAMS: I agree. I think the whole of the Port River should be dredged into the inner harbor, which would solve a lot of problems and would guarantee that Port Adelaide would remain an operational port well into the future. A lot of the member's constituents would be devastat-

ed if the port closed down and became nothing more than a mere fishing port.

Most of what I could add has been said by other members, so I will not detain the House. I briefly reiterate that it is important for the state that it attract produce out of my electorate and out of the South-East, and the only way it can do that is to make the port of Port Adelaide much more competitive than it is today, both by the infrastructure, that is, the South-East railways, coming in, and by making it much cheaper to ship grain over those wharves.

Mr MEIER (Goyder): As members would be aware, these bills have been a long time in coming to this House. In fact, it was probably well over a year ago that we were first forewarned that the government intended to sell the Ports Corporation. That came as no surprise because, if we think back a few years earlier, this government had decided to corporatise the former Department of Marine and Harbors into Ports Corp. That was one of the very good moves of the government. A great deal of efficiency came into the administration of the ports, and certainly the ports in my electorate, in particular Wallaroo and Port Giles, increased in efficiency, and I compliment all those involved in increasing their efficiency.

I well remember a few years ago going to Malaysia and Singapore, and among the many things that I looked at and investigated I looked at whether we could sell some of the slag from Wallaroo. There were hundreds of thousands of tonnes of slag, which is excellent for blasting in the preparation of ships before they are repainted. The people in both Malaysia and Singapore were very interested. They were getting their slag from the Philippines, very close to them from a geographical perspective, but they said that the quality of the slag was not the same as that which we had in South Australia. In fact, I had half a wheat bag, about a sugar bag full, sent over, and I was very appreciative of the Department of Foreign Affairs that got it through customs so I was able to ladle it off into smaller bits to take to the various companies.

The big obstacle was being able to get it to Singapore and Malaysia at a reasonable price; and the biggest obstacle we had—and this was before PortsCorp took over the administration of the ports—was the wharfage charges. If I remember correctly, they were something in the order of $9 or $10 per tonne. One of the persons interested in selling the slag said that they would be prepared to accept a dollar; if need be they would accept 50 cents a tonne. So we had the huge wharfage component compared with the actual price of the raw product. It was then I realised that huge changes had to occur in South Australia if we were ever going to become export competitive with the rest of the world.

I am one who believes that the leasing or privatisation of the ports can only be beneficial to South Australia. Certainly, the privatisation of the ports in the electorate of Goyder, where we have Wallaroo, Port Giles and Klein Point, will be of great advantage. I believe the competitive factor will come into it and efficiencies will increase even more than they are at present—and that is no disrespect to the persons running it currently, but private enterprise seems to have the knack of getting maximum efficiencies.

The bills before us are fairly clear and straightforward. The first bill protects the various state, community and customer interests, as well the interests of the staff; the second bill governs the commercial terms and conditions upon which the new port operator will be regulated; and the third bill allows the lessee to operate the divested ports while also securing the ongoing safety of South Australia's marine waters. There has been some discussion behind the scenes that legislation is not needed; that the government could actually divest authority of the ports into the private sector without any legislation. There seems to be some question about that. I am one who fully supports a very clear path being laid down, and I believe these bills clearly lay down that path so that there is absolutely no question as to the legality of handing over ownership and control to the private sector.

As members would be aware, Port Giles is, to the best of my knowledge, virtually 100 per cent concerned with the conveying of grain and Wallaroo is principally concerned with the conveying of grain over its wharf. Therefore, the grains industry is a very important player in the whole sale process. If members read the bills carefully and look at what is encompassed in the bills—

Mr Clarke interjecting:

Mr MEIER: I said that principally it is grains at Wallaroo, but certainly the fishing industry is another important element. The member would be well aware that many fishers are now going to the new marina and will off load at the commercial wharf there. We also have the superphosphate industry which is very important to Wallaroo.

Mr Clarke interjecting:

Mr MEIER: At this stage I am still talking about the commercial part: I will get to the recreational part later. It is very important that the grain industry is fully conversant with what the government seeks to do and I know many discussions have taken place. More importantly, I believe that the grains industry supports what the government seeks to do. The grains industry's thinking comes principally from the South Australian Deep Sea Port Investigation Committee's final report of January 1999. In fact, the investigation into the deep sea port upgrades goes back almost as long as I have been in this parliament. There have been three key reports during that time and the report that was released in January 1999 commenced before this government took office; it commenced during the term of the Bannon government. It was an industry motivated report, and I remember meeting with members of that committee when we were in opposition well over six years ago. Of course, it released its final report just over a year ago.

I was wondering whether that committee would ever release its report, although I know there were various obstacles to it. Certainly, quite a few of the grain growers in my area—and, Mr Acting Speaker, I suspect some of them would have come from your electorate, too, when you were the member for Custance—had serious concerns about the lack of recommendations that applied to the port of Wallaroo. As a result of a meeting at the Paskerville field day site, at which I and 500 or 600 grain growers were present, it was decided that it was absolutely essential for grain growers to be represented on the South Australian Deep Sea Port Investigation Committee—and that happened. I give full credit to the committee for accepting the growers in those final months.

As a result of that, the key recommendation that came forward was, once again, a full upgrade of Port Giles, a full upgrade of Port Adelaide and a partial upgrade of Wallaroo. As the member who represents both Port Giles and Wallaroo, I fully support a full upgrade of Port Giles for a number of reasons, including the key reason of its being a relatively inexpensive upgrade (in the order of $9 million) to fully

service panamax vessels. That is to be applauded. In fact, I sought to take a deputation at the end of last year rather than earlier this year to the minister but, because the discussions on this bill were in full swing at that stage, it was decided that, rather than dealing with individual committees, he should deal with the grain industry as a whole. I have supported and continue to support a full upgrade of Port Giles.

However, a full upgrade of Wallaroo was not recommended in earlier reports. As the local member, I would like a full upgrade of Wallaroo, but I am a realist: Wallaroo can cater currently for panamax vessels, but it is a little awkward. There are some safety concerns and I know that some administrative officials associated with PortsCorp are not 100 per cent happy with panamax vessels coming into Wallaroo. I guess their fears were somewhat realised when a panamax vessel ran into the port a few months ago and caused something in excess of $100 000 damage to the wharf and about $2 million damage to the grain gantry. I do not believe it had anything to do with the fact that it was a panamax vessel; some other errors occurred, but I will not enter into that issue. I believe that a satisfactory resolution has been arrived at.

It is important that Wallaroo can handle panamax vessels and a partial upgrade will ensure that is the case. When one looks at a map of the key grain growing areas of South Australia, one will see that Wallaroo is in a very strategic position for the export of grain, particularly since the port of Port Pirie is relatively shallow. Whether or not one likes it, it will be an enormous cost if one wants to bring that port back to full port capability. In fact, I do not know that it would be possible to bring it to panamax condition, so Wallaroo is therefore a key port in that respect.

I will not enter into the debate about Ardrossan; you, Mr Acting Speaker, as the member for Schubert, have bought into that, and time will not permit me to venture down that track, but I recognise that you put forward very relevant arguments. I come back to the upgrade of these ports, and members might say, 'What has this to do with the bills?' In the three bills before us there is no mention of upgrading the ports, namely, Port Giles, Port Adelaide and part of Wallaroo. In speaking with the minister and from discussions that we on this side of the parliament have had over many months, it is quite clear that the only way the industry will be able to get the government to commit millions of dollars to an upgrade is to agree to the sale or long-term lease of the ports. We will ensure that a significant proportion of that money will go into—

Ms Hurley: How will you ensure that? It isn't in the legislation.

Mr MEIER: No, it is not in the legislation. Didn't you hear my preface? That is exactly what I said: it is not in the actual legislation, but the minister has given a commitment, and it will be inherent in the follow-up to this legislation that the government will be committing significant millions of dollars to the upgrade of the port. I would say without question that if the grain industry wants the ports upgraded we have to agree to the long-term lease of those ports, otherwise it will not happen.

I am flabbergasted when I hear opposition members saying things like 'Rubbish!' or that it will not occur. For 20, 30 or 40 years when the present opposition was in power nothing happened. Why not? The then government was not able to find that sort of money at the drop of a hat—and I acknowledge that—and this government is not able to find that sort of money at the drop of a hat. But, if we have in front of us a sale or long-term lease of the ports, it is not difficult to determine that a significant proportion of the proceeds will go towards the upgrading of the ports, so the industry, farmers and South Australia generally will benefit as a result. I am very disappointed that the opposition cannot see that very simple and easy scenario before us tonight.

Ms Hurley interjecting:

Mr MEIER: We are yet to hear from the minister when he concludes the second reading debate, so be patient and await the good news. It is clear that the opposition will do an about face on this, because when the minister gives the good news I am sure that the opposition—if not all opposition members then at least certain individual members—will say unequivocally that they have reviewed their its position and that they will exercise their democratic right to say they support the sale of the ports, because it is the only way the ports will be upgraded. I am sure that that is what every member here wants.

The ACTING SPEAKER (Mr Venning): Order! The member for Gordon is out of order; displays are out of order.

Mr MEIER: I believe that this is the way to go. I have no problem with that. I guess I am the one member in this parliament who has more to lose than any other member, given that I have in my electorate three of the seven ports.

Mr Foley: And I've got the biggest.

Mr MEIER: Then you have a bit to lose, as well. I would venture to say that I have three of the most important ports in the state of South Australia.

Another issue that the member for Ross Smith raised by way of interjection was that of recreational access to the wharves. I was absolutely delighted that in January of this year the minister decided to make Wallaroo the focal point for announcing a policy of guaranteed recreational access onto the jetties and wharves when they are sold. The minister announced his policy at Wallaroo in January, and I was delighted that he was able to spend a couple of days there. I was not so happy that, with his troop (of which I was one), he conducted a fishing competition versus the press and their troop; and I am afraid we lost. I think the press caught two fish and we caught none; is that right, minister?

The Hon. M.H. Armitage: We caught a few crabs.

Mr MEIER: The thing about that evening was that, whilst January can be very warm and in fact at times very hot at Wallaroo, it was a cold night. I admit that at about midnight I said to the minister, 'We have a full day ahead of us tomorrow and I'm jolly cold.'

An honourable member: Is this relevant?

Mr MEIER: Yes, because this was the launch of the policy guaranteeing the recreational sector access to the wharves when they are leased or sold. That was made very clear by the minister at the time, and I would like to know where the opposition was in January. Surely members saw it on the television and read about it in the *Advertiser*, because the *Advertiser* journalist was there participating in the fishing competition. In fact, it was the *Advertiser* journalist who won the fishing competition, so he gave it a good write-up in his newspaper.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Goyder.

Mr MEIER: Your English is as bad as everyone else's. The guaranteed recreational sector access to commercial wharves is very important and is clearly covered by earlier announcements by the minister. I know from speaking to him

that the legislation also covers that aspect. Therefore, it is very clear that this is good legislation for South Australia; it is the right way to go. Once again, it is very disappointing that the opposition can take only one course of action: that is, to knock, knock, knock; to be negative. I am extremely disappointed, because I know that the Leader of the Opposition made a commitment at the last election that he would be bipartisan. That was the first and last time he has ever been bipartisan. He has simply knocked just about every development we have had in this state, and we are used to it, but on this occasion I would hope that the opposition would rethink its policy. We need this legislation to ensure that our ports are fully competitive and that our grain industry and a multitude of other industries progress in the most positive way possible.

Mrs PENFOLD (Flinders): As you know, Mr Deputy Speaker, I have a special interest in these bills because of the two ports—Thevenard and Port Lincoln—that are in my electorate of Flinders. We live in a time of change, the speed of which is unprecedented in the history of mankind. Change applies in every area of our lives, including business and the government. Coupled with change is the move to what has been called the 'global village' where the world operates as one market or entity, as opposed to a collection of individual nations that comprised the business world in the recent past. The government has acknowledged these changes in the South Australian Ports (Disposal of Assets) Bill. Of necessity, the operation of entities by governments must be constrained by their need for accountability. The process that meets this accountability often restricts the proficiency of the entity in decision making.

Also, there are risks attached to the changing business environment that did not exist even a decade ago. South Australians have suffered from the debacle of the Labor government that saddled the state with a debt from the State Bank that almost bankrupted the state. It has been a long, hard haul to get where we are. Therefore, it is important that one of the underlying factors that this bill addresses is the removal of financial risk from the government and, therefore, the taxpayers in the commercial operation of ports.

South Australian Ports Corp is a business that has grown to maturity. It no longer needs or benefits from the security of government ownership as it did in its early, risky growth phases between an old-fashioned public service department and a modern government enterprise. It has restructured the business into a good, solid ports business, due largely to the hard work and application of the Ports Corp Board members and the management, whose commercial abilities have put the organisation in the strong position it is in today. However, if it is to continue to grow in value, the business needs to reinvent itself by adopting new technology and techniques to integrate the transport chain, a process that will benefit all South Australian exporters.

We must now look at how best we can develop the ports for the economic benefit of the state. As a relatively small ports business, South Australian Ports Corp is not in a position by itself to develop the necessary innovations. This will require a private sector owner with the necessary resources. The South Australian Bulk Handling Cooperative has spent millions of dollars upgrading the Thevenard terminal loading facilities, including doubling the loading delivery capacity from 500 tonnes an hour to 1 000 tonnes an hour. The sale/lease of the port will complement what has been done already and will lift the commercial value of the port.

Incidentally, the Thevenard port has operated at a profit for several years. Few people appreciate the volume of product that goes through this port, including grain, gypsum and salt. Private ownership has been shown to improve the economy of individual ports, and this means economic benefits for regional communities. World grain prices are low, and increased profits can only be achieved by farmers if their overheads, such as ports charges, are reduced.

The private ports of Geelong and Portland have driven down prices further than the publicly owned port of Melbourne. We ignore this evidence at our peril. Portland has the potential to emasculate trade through the port of Adelaide.

Waterfront reform in Australia has delivered. The Patrick wharf in Melbourne, where reform has been introduced, has experienced a doubling of productivity and a 40 per cent improvement in ship turnaround times. Recent publicity on waterfront reform included companies that have not taken on reforms.

The aforementioned facts support the earlier comments that the world has become a global village. We can no longer look at South Australia as an entity standing on its own in the commercial world. Business creates trade, whether it is manufacturing business, farming business, or any other sort of business. It is also business that facilitates the movement of traded goods such as grain and motor vehicles, and the ports are simply part of that process.

Rail freight and the airports are already private operations, and road haulage is all done privately. South Australia has several privately owned ports, including Whyalla, Ardrossan and Port Stanvac. Of the major exports, grain is trucked from the farm gate privately, stored in silos privately by SACBH, and loaded onto bulk carriers privately by SACBH, which already owns the loading facilities on the docks.

Trade is best facilitated by improving the efficiency and service offered. A commercial enterprise that will invest and be innovative will also take the risks, removing the risk from South Australian taxpayers. Reversionary conditions to the land lease will provide protection for customers and communities, but will have no impact on the expected value from a trade sale of the business.

The lease/sale of Ports Corp will benefit local government bodies whose territory covers the ports. Councils will be able to recover rates from all land held by the private port owner. Councils did not receive rates from Ports Corp land that it did not lease to a third party. Rate equivalents currently paid to Treasury are $130 000, and this is expected to increase significantly, based on actual council assessments.

Certain land has been removed from the sale/lease if not required for core port operations. This includes land primarily used for recreation or general public use, such as Pinky Point at Thevenard. Minister Michael Armitage handed this land to the Ceduna District Council when the cabinet met at Ceduna in April. The progressive Ceduna District Council is planning a marina development that will enhance the quality of life for local residents as well as attracting tourists and yachties.

The Ceduna council also supports a lookout at Pinky Point for which Thevenard Ratepayers Association received a grant from Coast Care. Patrick Cotton and the Ceduna campus of TAFE have coordinated a specific course that includes Aboriginal students to undertake the building of the lookout. Already, a side benefit has come from the sale of the ports.

The South Australian Ports (Disposal of Assets) Bill includes in-built restraints that will ensure that the future owners of Ports Corp will act in accordance with the state

government's objectives for the divestment, which include encouraging enhanced economic development, that is, growing trade through South Australian ports and fostering competition. The state government has imposed cross-ownership protection on container trade to exclude existing container operators at the competing ports of Melbourne and Fremantle from the divestment process. In addition, the port operator will be obliged to allow access to defence vehicle vessels.

The lease/sale package is made up of a 99 year lease on the land of Ports Corp that includes the core land required to operate the ports, the wharves and the jetties to enable the new owner to operate the business.

An honourable member interjecting:

Mrs PENFOLD: I do mostly. The three stages of the lease process will enable interested parties to work through the lease/sale offer so that the state gets the best price on the deal. Ports Corp is a complex operation where the state's interests are wider than the facilities and business. I commend the government for protecting the interests of the state. This includes the setting up of the South Australian independent Industry Regulator that will have ultimate control of the third party access regime, strategic pricing and associated service standards. The government believes that it is important to have an Independent Regulator rather than have the minister act as regulator to manage dispute resolution when commercial negotiations fail.

We are planning for the long term, and it is therefore commonsense to use the best qualified and most experienced people in specialist situations. The sale component covers improvements to the land including buildings; road frontages; berth working areas; plant and equipment; wharves and jetties; the ongoing business and operations; contracts and operating agreements already in place; and leases already in place. Port operating agreements will be drawn up for each of the seven ports to define and convey the powers and responsibilities directly related to the safe commercial use of each port. This allows flexibility for each port to be managed and operated in a manner that best suits that particular port. The port operator's obligations will include managing, dredging and maintaining the port's waters; maintaining navigational aids; directing and controlling vessel movements and related activities; and maintaining an improved emergency response plan.

The upgrading of ports to accommodate larger vessels was investigated by the Deep Sea Port Investigation Committee. The investigation of this issue has been ongoing for more than five years and came about because the grain industry in South Australia realised that it had to meet the shipping requirements of its overseas customers. These customers are moving towards the use of bulk vessels of up to 80 000 dead weight tonnes, which are capable of carrying more grain at less cost per tonne, leading to significant reductions in freight costs for the customer. Currently, Port Lincoln is, I believe, the only port that can accommodate vessels of this size in South Australia.

Increased competition from other countries from our traditional markets means that South Australia has to accommodate these bigger ships or lose export sales. This is vitally important because 85 per cent of the average South Australian grain crop is exported, contributing, on average, $1 billion to the South Australian economy, mostly in rural areas. The South Australian Farmers Federation notes that international marketers such as the Australian Wheat Board and the Australian Barley Board now charter around 40 per cent of their export shipping, forcing closer attention to competitive port costs in an environment where the state borders have become much less relevant. Along with these changes has been a decrease in the availability of the smaller vessels.

This is an appropriate occasion to mention the Centre for Labour Research report entitled 'Risky Business' that was commissioned by the Public Service Association of South Australia, and its supplement prepared by Professor John Quiggin. Following the publication of the claims arising from that supplement, the government Sale Project Team commissioned the independent review undertaken by the Adelaide corporate advisory firm of Leadenhall Australia Limited. The review identified a number of areas where Professor Quiggin's assumptions were faulty. For example, Professor Quiggin used an interest rate of 6 per cent when working out the cost of retiring government debt, when the average rate the government was, and is, paying has varied but has been closer to 10 per cent. This represents a huge difference when dealing in millions of dollars. Professor Quiggin also used projected Ports Corp income from assets that have already been sold in modelling income for future years, so his figures were 34 per cent too high for the 1997 year.

The government has consulted with staff and workers and has negotiated with them through the respective unions to protect their workplace arrangements. The result, agreed by the MUA and the AMOU, will ensure a smooth transition in ownership of the ports. The passage of this bill looks to the future of South Australia so that we can trade in a global economy with confidence. The government has actively explored the possibility of mining deposits that may lead to large-scale mining. The potential exists for our ports in the future to be part of commercial ventures such as mining. The future of our ports—particularly Thevenard and Port Lincoln—and our state looks very exciting. I support the bill.

Debate adjourned.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CREMATION BILL

Received from the Legislative Council and read a first time.

ALICE SPRINGS TO DARWIN RAILWAY (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

The Legislative Council agreed to grant a conference as requested by the House of Assembly. The Legislative Council named the hour of 10 p.m. this day to receive the managers on behalf of the House of Assembly, at the Plaza Room on the first floor of the Legislative Council.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That a message be sent to the Legislative Council agreeing to the time and place appointed by the council.

Motion carried.

The Hon. M.H. ARMITAGE: I move:

That the sitting of the House be continued during the conference with the Legislative Council on the bill.

Motion carried.

The Hon. M.H. ARMITAGE: I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

Debate resumed.

Mr LEWIS (Hammond): Thank you for the opportunity to make a contribution to the proposal we have before us to sell the ports. The proposition in principle is one of which I approve. I have made no secret of my approval at any time over the last 21 years during the course of my representation of the people in that area of the state largely referred to as the Mallee. However, during the course of that time successive governments, until this government, have ignored what I have seen as the desirability of allowing ports to be operated as a business rather than as a statutory responsibility of government. Surely, it was essential at the time of settlement to have government establish the ports, because it was much simpler so to do, and there was no local economy, anyway.

Private interests were better put to doing other things—producing things for which there was an immediate sale without involving a burden on the development of those enterprises by requiring the people who were trying to produce such goods for export to deal with a privately-owned port. It was seen as being in the public's interest; for the common good. The time has now been reached, however, when governments really have no further need to own and control ports other than to provide in law the framework by which free and ready access to them ought to be provided against the risk which might arise of one industry or business being disadvantaged simply because the owners of the port desired otherwise.

My support for the proposal thus far is strong but it begins to weaken beyond that point. I understand that the government has commissioned analyses of the various models of 'for sale' but before I address that matter I first point out, as the member for Flinders pointed out, that we live in times of great change. The manner in which cargoes are shifted around the world, whether by land or by sea—and in the case of the St Lawrence, for instance, there is the opportunity for competition between the two mediums—are changing. It is not just now necessary for us to contemplate that the cheapest and best way of shifting something from Adelaide to Sydney, to Melbourne or, for that matter, to Port Augusta or anywhere else is by rail.

There ought to be greater and freer opportunity for sea freight to compete with land freight and, in that respect, the present proposal permits that if the economics of any given journey dictate that it will be more efficient to go one way rather than the other. However, many of our ports are purpose built, and I am using the term 'port' generically but only to mean those ports that belong to the state. They are single purpose. That does not mean that they would always be so. Indeed, we have had a fairly poor policy in the development of mineral resources around this state, and there is no question but that ports such as Thevenard will become of far greater importance to the mining industry and to the state in gross value of cargo and tonnage of cargo, say, as ports through which resources from the mining industry are shipped than as ports connected with resources from, say, the grain industry.

Other people will want access to the facilities of the ports, and I will come to them later. My reason for referring to modes of transport, land or sea (and on sea modes of transport), and to the notion that at present and historically some ports have been significant or exclusively for only one industry, is that nothing in the future is certain in that regard other than that change will be part of it. I fondly hope, and with good reason I believe, that many of those ports will become significant out-ports for the export of mining products. As it stands, there could be some difficulties in getting those considerations, that is, port access for new industry wishing to ship its product, if it is a mining industry, say, from the nearest and most efficiently available port under the terms and arrangements of the sale agreements or leases that we have in the legislation before us.

Equally, we have flirted with the idea of using barges to carry grain around our gulf waters to get to major out- ports, but we have not done that in any deliberate way that has been driven by sound economics, because I note that we have never done much with self-unloading barges. We could have developed a huge gypsum industry on the eastern shores of Lake Albert using self-unloading barges with low draught to carry that material across the lakes and out through the Murray Mouth, but that has not been done—it is just all too hard. Elsewhere in the world, in countries with an economy like ours, it would have been done.

Around the Great Lakes it certainly would have been done and is done: whether it is gypsum or some other hard material that is mined or quarried, they do it. Self-unloading barges, I do not think, have been adequately evaluated as the means by which we can shift grain around in South Australia. The present sale model then is flawed in that it presumes that the best value will come—and I know it will be the easiest way out—from selling all the ports in one bundle. I acknowledge that some ports, as they stand at present, are under the burden of rigid industrial relations laws that prevent workplace agreements that differ from port to port, circumstance to circumstance, and, whilst they are becoming more flexible, they are still the root cause of many of our problems.

We need then to address the prospect of our being able, in a freer labour market and in a better industrial relations climate (where enterprise bargains are possible) to adopt those new technologies of the type to which I have just referred—self-unloading barges. They are shallow draught vessels, usually, that can be rapidly and easily loaded and unloaded to the extent, for instance, that if we were to use them to load grain they would be at least as quick as any of the terminals that we have at the present time in terms of vessel turnaround, and certainly as competitive because there would be very little, if any, demurrage.

Vessels could simply anchor offshore in deeper water and the self-unloading barges could ferry the material from them—grain or whatever—without the cost of wharfage being as high as it is at the present time for the reasons I have mentioned and some of which I have not mentioned (and which do not really warrant mention at this point). My fear, then, is that if we use this model of one buyer for the lot we will not adopt those more efficient techniques and we will still have the problem of stultifying the development of the mining industry and other bulk commodity low perishable or no-perishable types of commodities that could otherwise be developed. It will be so inflexible.

I do not see the means in this legislation by which it will be possible for a new port to be established by a private operator. Indeed, I have a worry about the way in which the provisions for planning law approval vary from those that apply everywhere else, and I will mention something of that in a moment. I am of the view, then, that there ought to be more than just what we see at auctions: a number of grain ports, some of which, really, as grain ports are not priceless but useless—they do not fit into the future technology of grain shipping and, unquestionably, the new buyer will immediately recognise that they are useless. They virtually have salvage value and not much more. If it is possible, they need to be upgraded. In other places, we are restricted in our ability to accommodate the kinds of vessels to which other speakers have drawn attention in the course of their remarks.

Commonly now, panamax freighters are the means by which grains and other bulk commodities are shifted around this globe, and they are even bigger than that in the case of container and oil carriers. However, our major port in Adelaide has insufficient draft for those vessels to be given complete access to that terminal for fully loading and then moving off to the port of out-turn with their cargo. It strikes me, then, as quaint that we seek to sell the ports without giving a commitment to make it possible for the vessels of the present and immediate future to get to our principal outport, especially in the light of the circumstances to which the honourable member for Ross Smith referred, where we find we have money to spend on building stadiums for people who already have plenty of money to provide those stadiums for themselves. It will not enhance their health to sit down on Sunday afternoon, kick up the adrenalin level and smoke and drink in the process outback of the stand. I do not see any reason why we should be spending that money there, especially when we have needs for it in other ways. This surely is one of the other ways to ensure that we continue to be competitive.

Therefore, in my judgment, it is important for us to give assurances that that will happen. It will enhance the bid by more than the cost. We should be able to privately establish and let the contracts for that work, or guarantee the cost of doing it to the new owners or leaseholders more efficiently than they could do it without such government guarantee on it, because the successful contractor will have a greater level of confidence and, therefore, build less risk into the price that it will bid when competing with others to get the contract to do the dredging. It is to my mind, then, unfortunate that we have not included that in the legislation.

Other members have drawn attention to the desirability of the sort of whacked up deal between the competing elements in the grain industry to do this or that to one or other of the outports without objectively looking at South Australia's coastline and the yield that we get from the existing agricultural industries on a per square kilometre basis and asking, 'Where can we most efficiently and sensibly locate a port on the existing coastline? Is it in any one of the sites that we occupy at present?'—where, by the way, the machinery is almost at the end of its life, if it has not already been bandaided into continued service. Where can we find such a place? They have not done that.

If they were to have done it, they would have come to the conclusion that the northern end of Tickera Bay, at a place called Mypony Point, is where the other major deep sea port ought to be located—not in one of the other fancy places where they cut a deal between themselves and involving whichever organisation it is that is having a say over what will happen and how, and how they will round up the votes. That would be in South Australia's best interests, because of its proximity not only to the cereal growing areas but also to the deep water immediately close to shore and the simplicity with which in today's terms we could construct access to it by rail and road. The terrain is simple, and the cost of getting to it would be inexpensive per kilometre compared to some other places.

Why the hell we would go halfway down Yorke Peninsula or somewhere else equally inaccessible just because some port facility is already there is a bit beyond me. The scope of the studies that have been done have been inadequate. It is shame that we bring in legislation to sell off the ports as a government without having taken that into consideration. If we do not have the means and the skills within the government, then we should use a consulting firm that has, and let them show that by demonstration of other work they have done that they do have it. So, I draw attention to that deficiency.

I am in some measure satisfied, unlike other members who have spoken, that adequate recreational access is provided and that transferring that in law to local government to negotiate with the port owner is a good thing. However, I am not satisfied that only one owner ought to be the way to go, because the people who want the grain ports could collude and go into a consortium with the people who want to own the container port. They will say, 'I won't bid for the grain ports any more than what I need for the container port and, if you don't bid for the container port any more than you would be prepared to bid for the grain ports, together we can pool our money, and that ought to make it possible for us to get the lowest possible price on the table when we negotiate the deal.'

It would be better if we were to break up the ports into packages—and in this respect I am not talking about dollar boxes. At present, we have the kind of thing you see at a sale at a dollar box, where you have an old bottle opener, a hatband stitcher, a broken shearing handpiece and a couple of other odds and ends thrown into a box and asked, 'What am I bid?' You would get a dollar for it. Somebody will want it because it contains an old handpiece, and somebody else might want it because it has a hatband repairer or a bag tier in it. However, the two of them will not bid against each other.

In my judgment, therefore, it is better to have sold the ports in separate lots. I have not seen the study that would enable me to come to an alternative conclusion, that is, the conclusion that the government has reached. I know it may be simpler, and it is easy argue rhetorically that it is simpler to do it in one hit.

I will turn from that and go straight to clauses 10 and 25, where I see there is another anomaly in the legislative provisions: whether it is leased or sold, the Development Act no longer applies, and subdivision of the land can occur without it being necessary to go through the same strictures as everybody else must do. If you look at clause 25, you see that it simply provides that a transaction under this legislation is not subject to the Land and Business Sale and Conveyancing Act 1994, nor is it subject to the Retail and Commercial Leases Act 1995 or the Development Act 1993. It is subject to the provisions of this act alone.

The other thing that I thought was quaint was that clause 30 provides that no work carried out by the purchaser in relation to the land that is being bought is to be considered a public work for the purposes of the Parliamentary Commit-

tees Act, unless the cost of the work exceeds $4 million and the whole or part of the costs are to be met from money provided by the parliament or state instrumentality. That is already the definition of a public work, for God's sake. It just does not make sense to restate that—unless it is considered that the Parliamentary Committees Act is in some way ambiguous, and I do not think it is. I am pleased to see, though, in clause 19 that there is a limitation on cross ownership to prevent people who might presently own ports such as Melbourne from buying the port of Adelaide or any other port in South Australia and closing it down against the best interests of the state's economy but in compliance with their commercial interests by shipping, all the freight to their port in Melbourne. Therefore, I am pleased to say that on judgment it is a good idea, but there are measures in it that need to be cleaned up before I can support it.

Time expired.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank members for both their temperate and intemperate contributions. In closing the second reading debate, I will address a number of issues. Members will have an opportunity in committee to raise issues, but hopefully some of the issues which have been raised can be addressed now in order to prevent delay of the chamber unnecessarily.

One of the earliest contributions talked in great measure about how the government was opening up for, in essence, raping and pillaging Sea-Land. Indeed, nothing could be further from the truth. Part 7 in clause 19 of the bill—in fact the whole clause—relates to a limitation on cross ownership. There are a number of reasons for that limitation on cross ownership, one of which primarily is that we were extraordinarily keen to ensure that a purchaser of a port that was seen as an immediate competitor to the port of Adelaide would not been able to purchase or, in this instance, lease the port and close it down and take the exports through, for argument's sake, the port of Melbourne and those limitations on cross ownership, whilst not what they were written for, do have the direct effect of protecting Sea-Land. I will talk more about Sea-Land later.

Another item mentioned earlier was the withdrawal of the Kangaroo Island ports from the sale and lease process. It was clear early on that the Kangaroo Island ports were different from the other ports because they were indeed not export ports. Whilst at no stage have we been canvassing bids, a number of interested players from around the world have expressed at least an early interest in the asset which is, to a certain extent, good for a sale or lease process, but it is my experience that often the people who are interested early on in the process end up not being at the finish line and people who are not involved early in the bid are the ones keeping their powder dry. However, the early bidders indicated that they were not interested in the Kangaroo Island ports because they were not export ports.

The member for Hart made an impassioned contribution and indicated at one stage words to the effect of 'had the government wanted to negotiate some of the clauses, he was open to that'. He then said, 'I'll now vote against it' because of a contribution which I made. The facts belie what the member for Hart said. In the first two private briefings or discussions that the member for Hart and I had he said, 'Michael, it's privatisation, it's politically on the nose and we're going to vote against it.' At no stage was he ever intending to vote for this legislation. The member for Hart also said, 'At no stage did government officers speak to me about land issues.'

Mr Foley: 'Offer me a briefing'.

The Hon. M.H. ARMITAGE: I am being corrected, and I want to be absolutely accurate in this: 'At no stage did government officers offer me a briefing about land issues.' Methinks that the member for Hart has gone to the well of truth once too often and found it to be dry, because the planning consultant intimately involved with the planning and land issues had a one hour discussion with the member for Hart on 9 June. She faxed information to the member for Hart on 15 June.

Mr FOLEY: On a point of order, sir, I draw the minister's attention to the fact that it would be unfortunate if the minister was found to be misleading the House.

The DEPUTY SPEAKER: Order! There is no point of order.

The Hon. M.D. RANN: On a point of order, sir—

The DEPUTY SPEAKER: Order! The Leader of the Opposition is out of his seat.

The Hon. M.D. RANN: The minister explicitly, as well as implicitly, reflected on the truthfulness of the member for Hart and must withdraw.

The DEPUTY SPEAKER: Order! There is no point of order.

The Hon. M.H. ARMITAGE: On 15 June our planning consultant faxed information to the member for Hart's office. On 23 June the planning consultant faxed information to the member for Hart's office. On 28 June the planning consultant faxed information to the member for Hart's office. On 28 June the member for Hart's office called the planning consultant. On 29 June they met outside the blue room, although I believe it was not necessarily a meeting. At that stage the member for Hart indicated to our planning consultant that he would call her for information, but he did not. The member for Hart told our office that he did not want to be consulted; he just wanted the Port Adelaide Enfield council to be happy and the consultant reported to him on progress.

It is a large claim by the member for Hart to say that at no stage did government officers offer him a briefing about land issues because there is a litany of times when just that did occur. I understand the member for Hart only too well when he rails about what the government has done to his electorate. He knows, however, that he should be saying what the government has done for his electorate in that we have remediated a lot of land under Land Management Corporation control. We stopped the ship breaking following consultation from him and his constituents on *Talking Point* and indeed we stopped discharge from the Port Adelaide waste water treatment plant into the Port River, which is something that no Labor government ever contemplated, let alone did. The member for Hart may be crying crocodile tears in relation to his electorate.

A number of allegations have been made about the government and Sea-Land. What I have told Sea-Land and Andy Andrews when he was here and the senior managers, from both Adelaide and from the United States, is that the government is delighted with Sea-Land's performance. We are fully cognisant of the fact that it is the most efficient port operator in Australia. I have, however, queried many people about whether they are the most efficient in the world and whether they can be more efficient. As late as yesterday, they indicated that they thought that they could in fact be more efficient.

It is certainly the view of the government that what is likely to make a terminal operator more efficient in fact is the prospect of competition. In saying that we have not taken into account Sea-Land, the opposition is expecting us on behalf of the taxpayer to give Sea-Land a 10 year extension on top of its contract that already runs to 2004. It is actually saying that we would give Sea-Land nearly 15 years of an opportunity to be our sole terminal operator with no competitive pressure on it whatsoever. That is fatuous. The government has no problem if Sea-Land ends up being the terminal operator—it is a good operator, I have told them that and have indicated it to the House.

However, we believe that all taxpayers have a right to know is whether, if Sea-Land ends up running the terminal, it is giving us the best deal. Has it made the most effective and efficient use of its resources on behalf of the taxpayer of South Australia? We are intent upon Sea-Land being forced to address a number of those issues. One member opposite—possibly the deputy leader—talked about some expectations of Sea-Land. One of those expectations is that it would have exclusive rights to be the terminal operator until the container facility handled 250 000 TEUs. The member for Hart identified that we are doing about 120 000 or 130 000 at the moment (I think it is less than that, but it is in that vicinity). It wants to double its opportunity to earn money from South Australian exporters without a single competitive pressure being placed on it. That is absolutely, as I said before, fatuous.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: People have suggested the port of Melbourne is competition, and indeed it is, but it is vastly different from having at least the threat of competition on the land nearby. That is real competition.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: I have no problem whatsoever if there was a competitive process and Sea-Land won the competition to be our terminal operator. I would have no problem with that, nor would the government. We have a problem with giving a private sector company a 15-year contract with no competition, which is what the member for Hart and the deputy leader have suggested, and exactly the same thing would apply with an extension to 250 000 TEUs. As a number of members on this side of the chamber have identified, the employees have agreed already to very generous conditions if and when a sale or lease takes place.

In relation to the channel deepening, yes, a study is being done. What I have to say amazed me was that three or four weeks ago I asked what I thought were legitimate, if you like, semi-scientific questions: What is actually on the bottom of the river? What can we do with it? What are the problems? The answer was—

Ms Hurley interjecting:

The Hon. M.H. ARMITAGE: One might ask, 'Why did the Deep Sea Port Investigation Committee not do that?' Accordingly, a study is now being done and any decision to deepen the ports will be reflected in the contract which we write with the successful proponent. I emphasise to the chamber that our advice is that upon deepening there will be somewhere between a $6 and $10 per tonne benefit of the panamax vessels to the exporters, in particular, to the grain growers—$6 to $10 per tonne. The government's view is that there is an opportunity, should we say, for the grain industry to contribute given that it will be the beneficiary to the extent of $6 to $10 per tonne from the deeper port.

The member for Ross Smith made a peripatetic contribution. He talked about form. I am aware of two particular occasions where the member for Ross Smith has been put to the test; the first related to his effort to remain the deputy leader and the second was in his preselection efforts earlier this year. He has great form. In relation to recreational fishing agreements, as the member for Goyder identified, we released our policy at Wallaroo earlier this year and, just so that the House is absolutely clear, the recreational fishing agreements will be between the local council and the owner.

All issues such as whether there will be access, whether the access will be free, and so on, will all be in the direct control of the local council because it is very much in its interests to maintain the opportunity for people to use the wharves for recreational fishing given the need for safety precautions. I am not sure whether any members opposite have actually been on the wharves, either fishing or walking, when a vessel has been loading, but there are trucks going past and there are cranes and front-end loaders, etc. They are actually quite dangerous places, particularly when one talks about fishing exercises which usually involve children and families. The point is that at present the access is limited by occupational health and safety precautions.

It is not expected that a local council will do anything other than have similar precautions and we would certainly not expect that a local council would come to an agreement with the new owner whereby it would charge access to a recreational fishing facility. It would not be in the council's interests to do so and we would not expect it to do so. If, however, for some reason a local council decided to do that, it would be on their head and I do not believe it would. If the member for Ross Smith chooses to read the legislation, he will see that it identifies that the recreational agreements can be changed only with the agreement of both parties, so it is not as if there would be a possibility to change the facility for free access.

There are two other things I want to say before closing. First, a number of members on this side of the chamber have identified that, given an issue that arose which the member for Schubert mentioned relating to SAFF, SABCH and the government possibly looking at a monetary contribution at the site of the infrastructure, we would intend to adjourn the debate after the second clause but, before doing so, it is important that I identify the government's commitment to the port deepening. For some time, through the Deputy Premier we have been identifying to the grain industry that we fully understood the need for a port deepening. The government has identified in all those discussions, and in every single discussion and public questioning that I have had I have identified, that the new owner or new lessee, as part of the contract which we would sign, would be forced to commit to a full deepening of Port Giles, a partial deepening of Wallaroo and a partial deepening of Port Adelaide.

As I have indicated to a number of people from the grain industry, that is not necessarily everything they are after and they have identified that it is not everything we are after. By making that commitment we are identifying that the people of South Australia will not receive the full quantum of the sale value because the new lessee will obviously diminish its offer price by what it believes will be required to still be successful and to identify the costs.

We have also said that the Independent Regulator will be involved in setting a reasonable price. When I say 'reasonable', I indicate that I spoke with the Victorian Independent Regulator, who indicated that in a similar

circumstance he would do two things, the first of which would be to assess all the infrastructure to make sure that if a company identified that it had put in, say, $50 million and it had in fact spent $50 million, and not $25 million, he would work out a price that would give it a reasonable rate of return on its investment so that it would be encouraged to continue to invest in state-of-the-art equipment, and so on, during the course of the lease. He would then also assess a legitimate price for the efficiencies of usage so that there was a reasonable rate of return but the users of the port were not being fleeced by the lessee. As has been indicated, the Independent Regulator will be involved in setting the prices after the initial three year IPO.

The important point about the deepening of the port is that a number of members on both sides of the chamber—perhaps some with more passion than others—have said that the deepening of the port is vital for the grain industry. We acknowledge that, but there is only one way in which that will occur, and that is if the sale or lease occurs and the lessee is required, as part of the contract that they will sign with us, to achieve what I have indicated. I make that commitment specifically, recognising that I have identified to members of the grain industry that that commitment would be made on the record and would be reflected in the contracts which we would write.

With that in mind, I thank everyone who has contributed to a debate about a very important topic, which will see an increase in traffic across the ports of South Australia, increased employment opportunity and, we are sure, bonuses for many segments of South Australian society.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

RENMARK IRRIGATION TRUST (RATING) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

SOUTHERN STATE SUPERANNUATION (CONTRIBUTIONS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

BOXING AND MARTIAL ARTS BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 10.20 p.m. the House adjourned until Wednesday 5 July at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 4 July 2000

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following bills:

First Home Owner Grant,

Gaming Machines (Miscellaneous) Amendment,

Gas (Miscellaneous) Amendment.

Road Traffic (Red Light Camera Offences) Amendment,

Statutes Amendment (Lotteries and Racing—GST).

GAMING DEVICES

A petition signed by 1 660 residents of South Australia, requesting that the House ban poker machines and internet gambling, was presented by the Hon. J.W. Olsen.

Petition received.

GOLDEN GROVE ROAD UPGRADE

A petition signed by 141 residents of South Australia, requesting that the House urge the government to consult with the local community and consider projected traffic flows when assessing the need to upgrade Golden Grove Road, was presented by Ms Rankine.

Petition received.

POLICE PRESENCE

A petition signed by 18 residents of South Australia, requesting that the House urge the government to establish a police patrol base to service the Tea Tree Gully area, was presented by Ms Rankine.

Petition received.

PROSTITUTION

A petition signed by 47 residents of South Australia, requesting that the House strengthen the law in relation to prostitution and ban prostitution-related advertising, was presented by the Hon. M.H. Armitage.

Petition received.

LIBRARY FUNDING

A petition signed by 1 474 residents of South Australia, requesting that the House ensure that government funding of public libraries is maintained, was presented by the Hon. M.H. Armitage.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 59, 64, 118 and 120.

RADIOACTIVE WASTE

In reply to **Hon. M.D. RANN** (2 May).

The Hon. J.W. OLSEN: The Prime Minister did write a letter to me during February 1998, but the main purpose of this letter was to advise me that the commonwealth government planned to release a discussion paper called 'A Radioactive Waste Repository for Australia: Site Selection Study—Phase 3 Regional Assessment'.

The Prime Minister's letter asked that my Government provide comments to Senator Warwick Parer about the proposed release of the discussion paper and the proposed regional consultation framework. Comments were provided to Senator Parer—supporting genuine public consultation as a critical part of the National Radioactive Waste Repository project.

The Prime Minister's letter also said that the Commonwealth-State Consultative Committee on the Management of Radioactive Waste had recently given conditional support for consideration of co-location of a temporary long-lived intermediate level store with the low level repository as one option.

What I would like to point out is that this Commonwealth-State Consultative Committee, established in 1980 is merely an advisory body—it does not have the power to make decisions on behalf of any government—State or Federal.

The consideration of a lower level nuclear waste repository has been a properly lengthy, complex and consultative process. The Terms of Reference clearly set out that committee members report back to ministers as appropriate.

The SA Government has not been asked to make a decision on co-location and as I said in my Ministerial Statement on 19 November 1999, co-location is not supported in SA.

Indeed the committee itself has recently backed away from the decision to give conditional support to co-location. The original decision made by the Committee to give support for co-location was on the condition that it did not delay the progress of the project for a lower level waste repository.

Late last year the Consultative Committee agreed not to continue support for co-location. This decision was based on the opposition of the South Australian members of the Consultative Committee to co-location and the overall view of the committee that to consider co-location would delay progress on the low level repository.

Recent media releases by Senator Minchin make it quite obvious that commonwealth support for co-location as a preferred option has diminished.

Senator Minchin said, and I quote 'no decision has been made to locate the intermediate waste store in South Australia'. He also added that 'there is no need for the two facilities to be at the same location'.

The commonwealth has also confirmed that they will undertake a nation-wide search for the best site for the store for long-lived intermediate level nuclear waste.

I call upon all members of the SA Parliament to stand together to support the community's strong opposition to a medium or high level nuclear waste facility ever being constructed in this State. The Nuclear Waste Storage Facility (Prohibition) Bill currently being drafted by my Government to achieve this, will be introduced into parliament very soon.

I would expect that, given both Labor and Democrat interest in this important issue, all members will support the government bill to prohibit the storage of all kinds of long-lived medium and high level nuclear waste in South Australia.

PAPERS TABLED

The following papers were laid on the table:

By the Acting Premier (Hon. R.G. Kerin)—

Fees Act—Regulations—Schedule of Fees

By the Minister for Primary Industries and Resources (Hon. R.G. Kerin)—

Regulations under the following Acts—
Petroleum—Register of Licence—Fees
Petroleum (Submerged Lands)—Variation of Fees

By the Minister for Human Services (Hon. Dean Brown)—

Guardianship Board of South Australia—Report, 1998-99
Plan Amendment Report—Horticulture in the Hills Face Zone

South Australian Health Commission Act—Regulations—
Medicare Patients Fees

By the Minister for Government Enterprises (Hon. M.H. Armitage)—

Regulations under the following Acts—
Sewerage—Other Charges
Waterworks—Other Charges

By the Minister for Education and Children's Services (Hon. M.R. Buckby)—

Police Superannuation Scheme—Actuarial Report, 30 June 1999
Ministerial Direction to RESI Corporation—Share Transfer to RESI Capital (No. 2) Pty Ltd
Regulations under the following Acts—
Financial Institutions Duty—
Non-dutiable Receipts
Non-dutiable Receipts
First Home Owner Grant—Grants

By the Minister for Environment and Heritage (Hon. I.F. Evans)—

Regulations under the following Acts—
Communities Titles—Fee for Information
Emergency Services Funding—Remissions Land
Strata Titles—Provision of Information
Rules of Court—Magistrates Court (Civil)—Magistrates Court Act—Cost for Claim

By the Minister for Recreation, Sport and Racing (Hon. I.F. Evans)—

South Australian Harness Racing Authority—Report, 1998-99

By the Minister for Water Resources (Hon. M.K. Brindal)—

Water Resources Act—Regulations—Extension of Adopted Policies.

ELECTRICITY, PRIVATISATION

The Hon. R.G. KERIN (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: As members would be aware, last year all parties approved the establishment of the joint committee on the electricity businesses disposal process. The objective of this joint committee was to provide a process for members of the government and opposition to meet confidentially with the Attorney-General to discuss issues relating to the electricity businesses disposal process.

Last week, the Treasurer met opposition members to discuss the proposed legislation and was asked whether he was prepared to convene a meeting of the committee. On behalf of the government he readily agreed and a meeting was established earlier today.

Whilst meetings of this committee are intended to be confidential, it would be fair to say that the Treasurer was very pleased with the productive nature of the discussions that ensued with the Auditor-General. Whilst these meetings are intended to be confidential, the Treasurer was disappointed—but not surprised—to be approached 30 minutes after the meeting by the media, stating that they had been provided with information about the meeting, including that the Auditor-General had recommended a further specific legislative change to the government's legislation.

I am obviously restricted in what I can say, but it would be accurate to say that the Auditor-General did raise the possibility of seeking Crown Law advice on further tightening of the proposed legislation. This possible amendment does not cut across the substance of the legislation, and the government has agreed to seek Crown Law advice on whether or not such an amendment is desirable.

Members will also now be aware that late last week representatives of the two major businesses involved (CKI/Hong Kong Electric and AGL) have now issued public statements broadly endorsing the government's description of what bidders were told and of the government's proposed legislation. This now means that all three parties involved in these major transactions relating to the disposal of ETSA Utilities and ETSA Power have now agreed on a proposed course of action.

As a result of the joint committee having now met, it is the government's intention to proceed with the legislation this week in the Legislative Council and next week in the House of Assembly.

NAIDOC

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: Since 1975 the National Aboriginal and Islanders' Day Observance Committee (known as NAIDOC) has annually been celebrating a week long celebration, beginning on the first Sunday in July, to promote an understanding of Aboriginal and Torres Strait Islander culture and history. The theme for NAIDOC Week 2000 is 'Building pride in our communities'. NAIDOC Week has come to mean a great deal to all Australians. It is a time when we can outwardly demonstrate our commitment to becoming a more tolerant, harmonious and successful nation made up of many different and yet united peoples. Such a nation is one that we can, indeed, be proud of.

NAIDOC Week celebrations continue to give Aboriginal people the opportunity to display the richness of their culture and heritage to the wider Australian community. For over 20 years now, NAIDOC celebrations have promoted an understanding of Aboriginal and Torres Strait Islander culture and history. Celebrations throughout Australia continue to highlight and express pride in the survival of Aboriginal people and their culture and acknowledge the contributions that indigenous people and their history have made to the evolution of our nation. This government is committed to the promotion of greater understanding and reconciliation between Aboriginal and non-Aboriginal people.

By recognising the talents and skills of Aboriginal people, by demonstrating their success and by understanding and appreciating the rich and unique culture and traditions they enjoy, the South Australian government is helping the move to a greater self-determination for all Aboriginal people and their communities. To this end, there are many broad and diverse strategies that are undertaken under the flags of health, education, community wellbeing, economic development, essential services provision, policy advice and heritage conservation. We all have a responsibility to effect positive change and to bring about reconciliation. We all have a duty to care about how our nation functions and how the people within it interact, and to try to foster harmonious relations between all people.

This year's NAIDOC Week national focus will be on Townsville, where the national NAIDOC awards will be presented to highlight the individual achievements of Aboriginal and Torres Strait Islander people. Here in South Australia we will celebrate NAIDOC Week with a number

of activities, including several flag-raising ceremonies, a reconciliation dinner, a range of youth activities, an elders' lunch, the NAIDOC ball and parades, all to highlight the significant contribution that Aboriginal people have made to our state. I also have the pleasure of sponsoring two NAIDOC in the North community awards, which will be presented at a family fun day at Kaurna Plains School, Elizabeth, this Sunday.

I would like to take this opportunity to commend the state NAIDOC Week committee and local committees for all their hard work in establishing this week's events and celebrations. Throughout the week there is a multitude of ways in which we can all join with our fellow South Australians in the many activities and events which have been planned for this year's NAIDOC celebrations, and I encourage all South Australians to join with our Aboriginal communities to celebrate NAIDOC Week.

QUESTION TIME

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is directed to the Acting Premier. Were the consultants responsible for the errors in the electricity privatisation paid any or all of their success fees after the discovery by the Independent Regulator of those errors that have been identified? The Treasurer has told parliament that he was informed in April of the mistakes made by the consultants.

The Hon. R.G. KERIN (Deputy Premier): Obviously, this matter already has been addressed by the Treasurer, who has identified that there are many contractual issues. There is also the matter of who made the mistake and identifying where the mistake lies. But, indeed, the Treasurer has undertaken that he will do the work to try to determine who is responsible and take the appropriate action.

AUSTRALIAN EDUCATION UNION

Mr SCALZI (Hartley): Can the Minister for Education and Children's Services—

An honourable member interjecting:

The SPEAKER: Order!

Mr SCALZI: —advise the House whether he has yet sighted a list of education demands recently circulated by officials of the education union?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): Last week, as the House is well aware, school communities right across South Australia celebrated Public Education Week. It was an event that gave schools, teachers, students and parents the opportunity to show the quality education programs that are occurring in our South Australian schools.

The AEU claimed to be part of that celebration but, by the end of the week, its executive had again disappointed this state's teachers, parents and students. Union leaders just could not help themselves and quickly reverted to their all too familiar rhetoric in putting down public education. The AEU President has become the best representative—the best salesperson—for private schools that they could have ever hoped for. On one hand, we have the President of the Australian Education Union (the national body), Denis Fitzgerald, recently saying to the Melbourne *Age*, 'We have, without doubt, the best public education system in the world', while, on the other hand, all we hear from the local branch president, who is incapable of saying anything other than baseless, are negative put-downs of our public schools.

The latest handout from the AEU executive contains the usual array of misinformation and half truths. To say the least, it is inaccurate, but at least it is predictable—we know what always comes from the union. Indeed, the public continues to be subjected to empty rhetoric and the all too familiar and easy option from the union that the Government refuses to provide the money—that is, the money to meet its extravagant demands. As I have often said, I would love nothing better than to have a money tree at my disposal so that I could meet the needs of education. All education ministers would love that, but governments must operate in a real world. We cannot play monopoly like members opposite can.

The AEU claims that school buildings and grounds have deteriorated dramatically. This is complete nonsense. This government has spent nearly $500 million on maintenance and repairs since taking on the run-down and dilapidated school buildings left by the Labor Government in 1993—that is, nearly $500 million spent in seven years on maintenance and repairs of our school buildings. The union claims that real opportunities for employment are needed. This government already has in place a number of strategies and excellent job skill initiatives for our young people. Let us look at Windsor Gardens Vocational College, whose enrolments have increased from 400 to 600 in two years as a result of the vocational education and training programs and linkages with industry that we are offering through that school.

Look at the vocational education and training opportunities being undertaken by young people in our schools. In 1997, while some 2 000 young people undertook vocational education and training, this year 18 000 students are doing so. Look at the VET school initiatives between TAFE and our schools and the linkages being developed between TAFE in the supply of those services and guidance of our young people into possible careers, those students having gained those qualifications while still at school.

The union claims that South Australian teachers are the lowest paid, but the government had laid a 13 per cent generous pay offer on the table. The AEU further claims that rural areas had suffered in many ways. More nonsense! The fact is that country schools have 27 per cent of our school enrolments, yet 32 per cent of the state education budget is spent in country schools. We spend over $5 600 per rural student compared to $4 400 per metropolitan student. In country South Australia the government is fast closing the gap on educational limitations. We are closing the tyranny of distance by providing school internet access, the Open Access College and wider access to transport. I agree that there is more to be done, there is no doubt about that, but this government is moving in the right direction. The AEU demands a better deal for public education.

I wholeheartedly agree that the public deserves a better deal, but our public school teachers, parents and students deserve better treatment and service than they currently get from their local union operators—and not the disappointing heavy political slant that the AEU President was recently and strongly criticised for using by the Millicent Mayor, Mr Donald Ferguson.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is directed to the Deputy Premier in his capacity as Acting Premier. Given that

the Treasurer was made aware of the mistakes made by the consultants in devising the electricity pricing order during April, why did the Treasurer fail to inform his cabinet colleagues of the mistake and that the mistake could have an adverse impact upon the sale price received for Electranet when cabinet discussed the Electranet sale in April?

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: The Treasurer told Parliament on 29 June that he knew about the errors in the electricity pricing order in April. Cabinet was first—

Members interjecting:

The SPEAKER: Order, the member for Stuart!

Mr FOLEY: —informed of the electricity pricing order mistakes a week ago, on Monday 26 June.

The Hon. R.G. KERIN (Deputy Premier): I thank the member for Hart for a rather predictable question. As far as the Treasurer and his actions go, he has well and truly explained them. However, there are a couple of points there. In his normal style, the Treasurer set about fixing the problem, which I would have thought was an important thing to do.

The member for Hart referred to the Electranet sale process. The Treasurer has made it clear that the process was not set in train as far as been triggered for the action part until after the problem had been found and sorted out and an agreement had been reached with the parties. So, that was not a problem.

One thing that has got right out of control with this matter is the perception that was run in the first day that this issue was out there—the fact that this had cost the taxpayers of South Australia a couple of hundred million dollars—

Members interjecting:

The SPEAKER: Order, the member for Hart!

The Hon. R.G. KERIN: —which we know is absolutely incorrect.

Members interjecting:

The SPEAKER: Order, the Leader!

The Hon. R.G. KERIN: This issue has absolutely been blown out of all proportion beyond where it was. It was a serious problem that needed to be fixed, but the taxpayers of South Australia need to understand that they were not at risk and were not being done out of a lot money. The perception, which has been deliberately established, that this has cost the taxpayers of South Australia a lot of money, is not correct, and that needs to be fixed.

Members interjecting:

The SPEAKER: Order! The Deputy Premier has the call.

The Hon. R.G. KERIN: I was told last Monday morning.

Members interjecting:

The Hon. R.G. KERIN: That's never been hidden at all. As far as the member for Hart goes, the Treasurer has put down the process of why he has done things the way he has. He has also explained the Electranet process, and that has not been put at risk.

LE MANS RACE

Mr HAMILTON-SMITH (Waite): Will the Minister for Tourism announce details regarding a major sponsor for the Le Mans sports car race? I read with interest in the newspaper this morning that a major sponsor had been identified, and I think it would be worth hearing the details.

The Hon. J. HALL (Minister for Tourism): I am absolutely positive that the House will be delighted to know that one of today's major announcements was that Coopers Brewery will be the official beer supplier for the race of a thousand years.

Mr ATKINSON: I rise on a point of order, Mr Speaker. It is out of order to ask ministers to comment on the veracity of newspaper reports. Therefore, sir, I invite you to rule the question out of order.

Members interjecting:

The SPEAKER: Order! The chair listened very carefully to the explanation, and the chair is also very much aware that one cannot question the accuracy of reports in the newspaper. I do not believe the honourable member did that, and that will be apparent to the honourable member if he goes back to the *Hansard* and reflects on the last sentence of his explanation.

The Hon. J. HALL: I am sure that the House will be interested to know that Coopers has taken out a very major sponsorship and is now the official beer supplier. One of the things Mr Glen Cooper announced at the event this morning was that it would be with great delight that the Coopers team sold more than a million cans in Victoria and brought the profits back to South Australia. There was a great cheer from those there because Coopers has been consistently an incredibly good supporter of major events in this state over many years. It was pointed out that Coopers was the first official beer supplier for Formula One Grand Prix in 1985 and held that sponsorship for 10 years. The company is absolutely delighted, having won it, and it is looking forward to doing good things for South Australia as well as for the race.

One of the other aspects of this morning's announcement was that Network 10 has also been announced as the official broadcaster for the event and Qantas has been announced as the official airline for the event. Network 10 was the official broadcaster for the Clipsal 500 and it will be working in conjunction with NBC, which is telecasting six hours live in the cold bleak weather of the northern hemisphere while we are enjoying hot balmy weather in South Australia. That is being televised to more than 20 million homes in America and the estimate for Euro Sport is more than 200 million homes across Europe. We are hoping that with these major sponsors South Australia gets some great pictures of our warm blue skies, beaches and all the tourism destinations into the cold bleak environment of the northern hemisphere winter.

I also stated this morning that this race is estimated to bring to South Australia 15 000 visitor nights from international visitors and the early estimates are that the economic impact on our state will be in excess of $30 million. It is great that a South Australian company has taken out such a major sponsorship and, for those who are interested, tickets are still available although the corporate sponsorships are now more than 73 per cent taken up. We are looking forward to more South Australian involvement as we get closer. The tickets are selling well for this event.

I believe that the race of 1 000 years will be a truly significant international event and it will put Adelaide back on the map of international racing. It is very important for us because the reputation we have in this state and city for staging events such as that was a reputation started in the mid-1980s when Formula One came here. I know that all South Australians will be very pleased and very proud of the event we stage here.

ELECTRICITY, PRICE

Mr FOLEY (Hart): Will the Deputy Premier confirm that the government is in a serious dispute with AGL over another issue involving the price at which AGL buys its electricity from South Australian generators? Has the ACCC been asked to intervene and what are the legal and financial implications to government? The opposition has obtained a copy of a submission by AGL—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: The opposition has obtained a copy of a submission by AGL to the Australian Competition and Consumer Commission, outlining serious problems with the way in which the government has structured its electricity vesting contracts.

Members interjecting:

Mr FOLEY: Well, I've got it—that's not a problem; it is circulating as we speak.

The SPEAKER: Order!

Mr FOLEY: The submission argues that the government has not delivered the certainty expected by AGL on the price it would pay for electricity and that there will be 'commercial and legal consequences'. AGL in its submission warns that, unless substantial changes are made to these contracts, it could result in losses to the company and that the South Australian community could bear the costs of this uncertainty.

The Hon. R.G. KERIN (Deputy Premier): There are always a lot of commercial negotiations involved with these matters, but I am not aware of the document to which the honourable member refers.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart has asked his question and should remain silent.

ANTI-SMOKING CAMPAIGNS

Mr WILLIAMS (MacKillop): Can the Minister for Human Services give the House any figures comparing tobacco usage in South Australia with that in other states, and can he indicate whether there is any emerging evidence to show that successive anti-smoking campaigns are working?

The Hon. DEAN BROWN (Minister for Human Services): I was very interested in the ABS figures released last week which show the comparison between various states of Australia on household consumption of tobacco products. When one looked at the comparison, one saw that South Australia in fact had the lowest figures per household per week of any state in Australia: $8.94 per household per week on average in South Australia compared with, for instance, $11.67 in Perth and $17.16 in Darwin.

There has been a range of programs over a number of years in this State including Living Health and the Quit program; we have had the banning of smoking in a range of sports stadiums and venues and arts venues; we have the Anti-Tobacco Task Force which I set up; we have the banning of smoking in restaurants and food areas; and we have a number of other measures, all of which have come together to show that, clearly, the program is starting to work. I think this state can be proud of the fact that we have the lowest tobacco consumption per household of any of the states and territories in Australia.

An honourable member interjecting:

The Hon. DEAN BROWN: No; this state has had a long strategy which goes back at least 10 years, and I want to acknowledge the dozens of South Australians who have made a very strong personal commitment to ensuring that we achieve this result. The Anti-Cancer Foundation, the Heart Foundation, Quit and many others have worked tirelessly for years in trying to reduce the incidence of smoking in this state, and the figures are showing that we may be more successful than the other states of Australia.

We should not rest on our laurels. Our objective is to reduce smoking by another 20 per cent over five years. The Anti-Tobacco Task Force is working on it; and we are about to launch a campaign highlighting the dangers of passive smoking to young children, particularly in confined areas such as the car and the house. We will continue the strategy. Today, again, I acknowledge the work of those who have succeeded in the past.

ELECTRICITY, VESTING CONTRACTS

Mr FOLEY (Hart): My question is directed to the Deputy Premier. Has cabinet been advised of the serious dispute between AGL and the state government over electricity vesting contracts; has it been advised of the commercial and legal consequences flowing from this action by AGL; and, if cabinet has not been advised, why not?

The Hon. R.G. KERIN (Deputy Premier): The member for Hart assumes there is a problem. We have heard the member for Hart talk in this place before about problems that do not exist.

Mr Foley interjecting:

The Hon. R.G. KERIN: I am not aware of it.

Mr Foley interjecting:

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

The Hon. R.G. KERIN: The member for Hart very deliberately tries to run the line that there has been a mistake.

Mr Foley: There's a dispute.

The Hon. R.G. KERIN: A dispute?

Members interjecting:

The Hon. R.G. KERIN: There may well be. Once again, as he did last week, the member for Hart tries to make a mountain out of something that is not quite that big. I am not aware of the problem. I am not aware of cabinet being been told, but I missed the cabinet meeting the week before last, so I am not too sure what was brought up that day.

An honourable member: Did you get the cabinet submission?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I warn the member for Hart for interjecting after he has been called to order.

The Hon. R.G. KERIN: The member for Hart is very good at trying to build up issues out anything he can lay his hands on. How many times have we seen the leaked document? Last week ad nauseam, and not always when he had the call of the Speaker, we heard the member for Hart constantly say how simple a mistake was made with the AGL contract. That totally ignored the complexity of the problem that existed. He now says that the Treasurer should have picked it up. I am not too sure how the Treasurer was supposed to pick it up when the lawyers and accountants working for the companies involved would also not pick it up.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I call the leader to order.

The Hon. M.D. Rann: $50 million—

The SPEAKER: Order! I warn the leader.

The Hon. R.G. KERIN: The big difference, and one of the reasons why they are over on that side of the chamber and we are on this side is that this government, and in this case the Treasurer, went about fixing the problem; he did not sit on his hands. What happened with the Labor Party? When much more serious problems than this were pointed out to them before 1993, involving the State Bank, how much was the taxpayer or parliament told? Those members sat on their hands and lost this state not hundreds of millions but billions of dollars, and did nothing. The same occurred with Marineland and the Remm Myer centre. The contrast here is that the Treasurer found a problem, went about solving it, and brought the solution to cabinet and parliament.

AQUACULTURE

Mrs PENFOLD (Flinders): Will the Deputy Premier outline to the House how the government's policies have assisted in the rapid development of the aquaculture industry and the considerable benefits it is bringing to regional areas of the state?

The Hon. R.G. KERIN (Deputy Premier): I thank the member for Flinders for the question and welcome it. There is no doubt that the importance of aquaculture in Australia has grown enormously in the past few years, and there have been quite a few reasons for that. What was perhaps seen as a minor industry has come from a very low base in the early to mid-1990s and now makes South Australia the leading state in Australia in terms of that enterprise. What is important in aquaculture is where it is based because, as the member for Flinders would realise, the biggest benefits we have seen from aquaculture have been on Eyre Peninsula. We also have considerable development in Yorke Peninsula, and the South-East is an area that shows enormous potential. Additionally, Kangaroo Island and many inland areas are doing well with fresh water aquaculture.

The range of products coming out of the aquaculture has increased markedly over time. While tuna has been dominant, it has been well and truly backed up by oysters, abalone, king fish, barramundi and a whole range of other products. That is the result of much effort, including management plans and focused industry development strategies.

Also, the member for Flinders would be well aware that an excellent group of pioneers within this industry have put up their own dollars and created this exciting industry. That has been backed up with not only some management planning but also some excellent science. SARDI has been very focused and has done much of the base research in getting us to be able to increase the number of species involved.

Earlier this year we signed an agreement with Fundacion Chile, which is a major aquaculture operator in Chile and which will be sharing a lot of their intellectual property with us. The important thing is that over the past two years we have doubled the number of jobs. There has been an enormous flow-on from this and they can identify over 2 000 people who have been employed because of aquaculture. Once again, that is very important because they are regional jobs and add a lot of strength to regional economies. The 1998-99 production figure of $181 million has provided an economic impact in those regional areas of $336 million, which is absolutely vital. That will keep on rising. The international demand for this product is enormous and it is a matter of our making sure that we have sustainable production. As members would be aware, we are working on an aquaculture act. Doing it under the old act leaves some uncertainty and we need to tidy that up. We need to give investors certainty to go into what is still—although developed—a bit of a greenfields industry. We need investment and we need certainty. I believe we can look forward with great excitement to what aquaculture can do for South Australia during the next 10 to 20 years.

ELECTRICITY, PRIVATISATION

The Hon. M.D. RANN (Leader of the Opposition): My question is also directed to the Acting Premier—it is good to see him in that role. Were any mistakes discovered in the ETSA sale process prior to that discovered in March-April, which have caused the need for urgent legislation amending the electricity pricing order between Hong Kong Electric and AGL, other than those that have been revealed already?

The Hon. R.G. KERIN (Deputy Premier): The leader's question might be a little bit leading in itself. As far as any mistakes, I can honestly say I am not aware of any significant problems at all. With a process as complex as this, I cannot rule out that there were any small ones. As far as I am aware, there were no significant problems.

FIRE SAFETY

Mr CONDOUS (Colton): Will the Minister for Police, Correctional Services and Emergency Services advise what safety precautions are in place to assist in the prevention of fires in boarding houses and backpacker hostels?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): As my colleague alongside me said, this is an important question. It is not necessary to discuss specifically the sad tragedy of the Childers backpacker disaster in Brisbane—that has been adequately covered in the media. As a result of any situation like that, it is important that we analyse and see where we are up to in South Australia with respect to our checks and safeguards when it comes to all emergency services, and we do that right across the board. The gas pipeline problem that occurred in Victoria was analysed through the State Disaster Management Centre to ensure that if we have a situation like that occurring in South Australia we would have an alternative gas supply and have programs in place—as well as one can—to eliminate tragedy. This is particularly the case with respect to hostel and backpacker accommodation, hotels, motels and any commercial facilities. The Metropolitan Fire Service has a fire safety department. The fire safety department is a combination of MFS and CFS officers who are legislatively required to look at plans and applications for buildings, both commercial and domestic. They work closely with councils, engineers, surveyors and fire protection consultants.

In relation to backpacker hostels, the fire safety department works very proactively with council building fire safety committees and, on a regular basis, inspects those buildings to check fire safety issues such as smoke alarms, sprinkler systems in the larger commercial ventures, etc. The act clearly states that the Metropolitan Fire Service has the legislative responsibility with respect to checking fire safety in buildings—as I highlighted in the media recently.

Sufficient exit signs and smoke alarms are fundamental in ensuring that once a fire occurs every possible detection

procedure is put in place. This is not only important in commercial premises but one only has to listen to the radio at 6 a.m. week in week out to hear about this. Bill Dwyer is reported as saying that this particular property was burnt down because there were no smoke alarms or that people only escaped because smoke alarms were fitted but they were battery fitted and for some reason people chose to take the battery out of the smoke alarm. It is nonsensical to think that if there is a smoke alarm in a commercial or private dwelling that one does not check to ensure that it is working. As we know, the legislative requirements were put in place approximately 12 months ago to ensure that smoke alarms were installed in all new residential buildings and other buildings throughout South Australia.

I also want to reinforce the fact that for the commercial sector there is clearly nothing more important with respect to accommodation premises than ensuring the wellbeing of the people occupying those premises. I call on industry and tourism operators, bed and breakfast operators and large hotel syndicates, as well as hostel and backpacker accommodation proprietors, to be vigilant in making sure that every precaution is in place when it comes to smoke detection. Of course, that also applies in respect of the night duty managers and the like, who should ensure that they are well aware of the procedures for evacuation and that in each room available for occupation there is clear information which can be easily read and which will ensure that people staying in that accommodation well and truly know how to vacate the premises.

As I said, the tragedy at Childers was an enormous one which went to the heart of all Australians. We must learn from this terrible event and try to ensure that it is never repeated. Therefore, I call on all South Australians to be very vigilant in checking their properties when it comes to fire safety. Also, whether it is a commercial, backpacker or residential property, it is not a big expense to put a fire blanket in the kitchen: fire blankets, like smoke alarms, can certainly stop a lot of damage and save lives.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is again directed to the Deputy Premier. Why has the government reduced the time for the preparation of bids for ElectraNet, given the errors made so far in the ETSA sale process, and what guarantees exist that a much shorter bidding process will not lead to more mistakes in the ETSA sale process?

The Hon. R.G. KERIN (Deputy Premier): I think that that question almost borders on the hypothetical: it assumes that there are mistakes made. The process of the sale of the electricity assets has been ongoing for some time now. Obviously, there was a lesson to be learnt out of the earlier one and, no doubt, that has helped us to put things in place. However, I do not see any problem with the time lines to which the member refers.

ABORIGINAL PHOTOGRAPHIC COLLECTION

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister for Aboriginal Affairs. Can the minister provide the House with details of the significance of the digitisation of the photographic collection held in the Division of State Aboriginal Affairs, and will she explain how wider accessibility of the resource will benefit the community generally?

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I thank the honourable member for his question, because I do believe that this is a tremendous project, and it is one that may have the potential to have a national spin-off. So, I am very pleased to be able to talk about this program. The Division of State Aboriginal Affairs is the custodian of some 8 000 photographs that have historical, and certainly educational, significance not only for Aboriginal people but also for people right across the state, and certainly internationally. Many of these photographs are currently being held in catalogues, and I am sure that members of the House will understand that the soft copies of many of these articles that have been available in these catalogues for many years are subject to deterioration. It should be understood that the primary objective of digitising the photographs held by the Division of State Aboriginal Affairs is to protect and preserve the images for current and future generations.

The photographs, as I have said, are currently held in catalogues and certainly will be, over time, subject to deterioration through general handling and reproduction. Members also will appreciate the fact that it is very important to use the latest technology to permanently preserve the valuable resource of Aboriginal photographic material in South Australia. Photographs, together with newspaper clippings and other material, provide a unique educational opportunity to visibly illustrate over 100 years of Aboriginal history in South Australia.

It is understood that the majority of the 8 000 photographs are from private collections which were donated to the Division of State Aboriginal Affairs and which are listed as unrestricted for use. The photographs that are restricted will have only basic catalogue information available for public access without the photographic images. Restricted photographs mainly have regard to ceremonial aspects, and therefore the permission of donors would be required before those photographs could be publicly released. The digital library process enables Aboriginal people and other parties to be able to donate to this collection and have control over the way in which the rest of the world views the history of Aboriginal people in South Australia.

In respect of consultation, I am advised that Mr Garnet Wilson who, most members would know, is the Chairman of the State Aboriginal Heritage Committee, has been briefed on the moves towards this project and the means by which it will occur. Mr Wilson supports the concept of the proposal. Extensive consultation has occurred with Aboriginal communities, and still consultation is to take place. Consultation with other organisations will also occur once the information packages are developed and become available. This means that, as we go through the process of developing the concept into a database information situation, each of the sets of information will be taken to Aboriginal communities to ensure that there is no possible sensitivity about the nature of what will be regarded as being available on a digitised base.

The project is still at the development stage but, certainly, there has been widespread Aboriginal and non-Aboriginal interest in it which potentially has enormous historical value. Of course, the Division of State Aboriginal Affairs, as project manager, will ensure that all cultural sensitivities are addressed and that appropriate consultation with Aboriginal communities takes place.

It is considered that the project should be viewed in a very positive way from the basis of preservation, protection and historical and educational viewpoints. The concept will be unique and has potential, as I mentioned earlier, for develop-

ment on a national level. Certainly, interest has been created by the mere fact of our announcement of the means by which we are moving to develop this base.

It has been suggested that perhaps we should possibly be taking the development further and looking at a national repository for all Aboriginal historical material which is held around this country and which has not been transferred to a process such as South Australia is developing. The opportunity to create that national database of the visual history of Aboriginal Australia certainly appears to be a possible flow-on of the work undertaken by the South Australian government to protect this collection of photographs and the associated material dealing with Aboriginal history in South Australia.

I am pleased to be able to say that this project is progressing very nicely. I trust that, within the next couple of months, the first information packages will be available for viewing not only by the Aboriginal communities but also by the public of South Australia and members in this chamber to enable them to assess the uniqueness and, certainly, the value of putting this whole historical collection onto a database that can be accessed not only by Aboriginal communities but by all people.

ELECTRICITY, PRIVATISATION

Mr FOLEY (Hart): My question is directed to the Deputy Premier. Given that the warnings of the Auditor-General last November about the dangers of rushing the ETSA sale process appear now to have been confirmed, will the government ensure that it consults fully with the Auditor-General and receives his advice before making any further changes to ETSA legislation or the electricity pricing audit?

The Hon. R.G. KERIN (Deputy Premier): As I said in my ministerial statement, the Auditor-General is in the loop. The more fundamental issue here—

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart has asked his question.

The Hon. R.G. KERIN: The member for Hart also assumes that the mistake was made as a result of the time frames, and that is not necessarily the case. The honourable member is making a hypothetical assumption. Okay, a mistake was made somewhere within the consultancies. You could not expect a Treasurer to personally pick that up; that is obvious despite how clear and simple the member for Hart tried to make the problem last week. The fact that that mistake was not picked up by the lawyers and accountants working for the companies indicates how complex it was. To assume that this could have been avoided by heeding any warning about the time lines is purely hypothetical and, I would suggest, wrong.

MINERAL EXPLORATION

Mr VENNING (Schubert): Will the Minister for Minerals and Energy provide to the House an update on heavy mineral sands exploration and development in the Murray basin in South Australia?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for Schubert for his ongoing interest in the expansion of our mineral sector. He still distinguishes himself as a champion of the industry in this chamber. As the member for Schubert would be aware, the Murray basin is the focus of intense exploration activity for heavy mineral sands.

Members interjecting:

The Hon. W.A. MATTHEW: The member for Hart always has to talk. He has been given plenty of opportunity to ask his question.

The SPEAKER: Order! I ask the minister to ignore interjections; they are out of order.

The Hon. W.A. MATTHEW: Thank you for your protection, sir. A large proportion of the Murray basin is covered by exploration licences and, indeed, licence applications, and during 1999 I am pleased to advise the House that some $2 million was spent on mineral exploration of this important area. The discoveries that have been made within the region to date are effectively on beach strandline deposits which were formed by wave action millions of years ago in what is known as an ancient ocean environment. These are similar to deposits mined on the east and west coasts of Australia. Murray Basin Minerals, which is the most active and successful exploration company in this region, has reported significant results in the Mercunda, Mindarie, Jezabeel, Champagne and Long Tan prospects about 120 kilometres east of Adelaide.

To date, drilling identified a resource base for the Mindarie and Mercunda project areas of some $16.6 million at 3.1 per cent heavy minerals. I recently had the opportunity to meet the company, and it has advised me that, at 3.1 per cent, this is, indeed, a very prospective resource. The company has formed a development committee to establish the economic engineering and mineral processing studies, and a feasibility study is expected to be completed under the direction of the company later this year.

I am advised by the company and by geologists who have examined the area that there is a significant potential in the state for the minerals sands industry, and as a government we are delighted to have the opportunity to continue to facilitate development of this area to ensure that we have appropriate economic development opportunities. Toward the end of this year, I look forward to being able to bring back to the House information that has been gained through the company's feasibility study as to the full prospectivity of the area and the results that we expect it will yield.

REVITT KITCHENS

Ms KEY (Hanson): Has the government sought any support from the federal government's employment entitlement support scheme for the 60 workers who were sacked from Revitt Kitchens in January this year? To what extent will the South Australian government contribute to these workers' as yet unpaid entitlements? I understand that, as well as the Premier and Minister Lawson, the opposition has received correspondence from Mr Dave Kirner from the Construction, Forestry and Mining Employees Union questioning whether the state government will match the federal government's $10 000 grant to retrenched workers in lieu of their receiving their entitlements from their employer.

The Hon. R.G. KERIN (Deputy Premier): I refer the honourable member to an answer the Premier gave last week in relation to this matter rather than re-explain our attitude to the way the federal government went—

An honourable member interjecting:

The Hon. R.G. KERIN: I know it is a different company, but it is exactly the same issue. Obviously, Minister Lawson

in the other House is the responsible minister. As the honourable member would know, the proposition put forward by the federal government was not well taken up by the states.

RURAL YOUTH

Mr WILLIAMS (MacKillop): Will the Minister for Youth outline how the government is assisting young people in rural South Australia to increase participation in their local communities?

The Hon. M.K. BRINDAL (Minister for Youth): I wonder from the reaction of the opposition what value they put on youth in this state. We get from members opposite precious few questions on youth. The member for MacKillop has an absolute interest in this matter in his electorate and generally and asks the question, but all we hear is guffaws from members opposite.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: The member for Hart reminds me of the boy who cried 'Wolf'. That is all we have heard today: 'Wolf, wolf, wolf, wolf'—every single question. The government understands the issues faced by young people and the compounding factors they often experience.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: If the member for Hart is not interested in youth, we on this side of the House are. He has had his turn; let him ask his question in turn and let me answer the question I have been asked to answer. The government has demonstrated its commitment to this goal by actively encouraging the empowerment of young people in regional areas through increased employment opportunities and hands-on participation, as well as celebrating and highlighting their achievements. As an example of this, regional and country councils were active participants in the events of Youth Week, which I know that at least three of my predecessors have actively encouraged, supported and developed. Feedback from councils like the Barossa and the South-East Local Government Association, the Mid-Murray—

Mr Venning interjecting:

The Hon. M.K. BRINDAL: The member for Schubert well knows that I referred to his electorate. Feedback from those bodies I have mentioned, to a name a few, which have received grants has indicated that young people's participation in these activities was extremely positive, and young people highlighted themselves a real sense of ownership. More importantly, the new initiatives grants specifically target young people from rural and isolated South Australia. I recently allocated grants totalling $150 000 over two years—perhaps the shadow minister might like to hear the grants that have been on offer (perhaps she might not—she is ignoring it)—to organisations in rural areas for innovative activities and initiatives for young people, many of which grants further enable their active participation in the community.

Port Pirie Central Mission has been given $5 000 for creating and installing murals of various celebratory themes in the Port Pirie district. The Wakefield Regional Health Service has been given $20 000. Young people will produce a compact disk of local musicians with the theme 'Living in rural South Australia', and we believe that that is a very innovative program. Broughton 2020 Vision will be given $20 000 to provide activities to allow young people to gain experience in recreational sailing, power boat handling and maintenance. The District Council of Le Hunte will get $20 000 to develop a local hall of fame to recognise the achievements and contributions of young people—a regular feature—

Members interjecting:

The Hon. M.K. BRINDAL: I doubt that I will be in it, but I am quite certain that no members opposite will be in it either. The local hall of fame to which I have referred will recognise the achievements and contributions of young people. That grant is also intended to provide a regular feature in the local newsletter and to operate an unlicensed youth area in the existing Wudinna Community Club. The Tumby Bay Area School will get $10 000 for the development of a skateboard ramp and a green recreational park in Tumby Bay.

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: The member for Ross Smith interjects that I do not do myself any good. That is the pot calling the kettle black. The City of Port Augusta will publish with $10 000 a fortnightly youth street press and a website. The Oodnadatta Progress Association with $10 000 will develop two all-purpose basketball courts for young people to participate in tennis, basketball, netball and outdoor sports. The Marree Progress Association will get $10 000 for a youth designed recreational program. I think the member for Stuart has done particularly well, from my reading.

The South Australian police will, in fact, get $5 000 to develop a youth centre for young people in the Mount Pleasant district, for which the police are to be congratulated; the Gawler Youth Workers Network will get $20 000 to deliver vocational enterprising activities from Gawler House; and the Assistive Technology Service will get $20 000 to establish a web site for rural young people who are dealing with the hearing impaired. I could go on for another eight minutes or so, but I will not detain the House.

Members interjecting:

The Hon. M.K. BRINDAL: Well, if the member insists—

An honourable member interjecting:

The Hon. M.K. BRINDAL: No.

FLINDERS MEDICAL CENTRE

Mr HANNA (Mitchell): What is the Minister for Human Services doing to ensure that public patients who are admitted for surgery in public hospitals are properly cared for by private hospital staff when these public patients wake up in private hospitals? A constituent of mine recently went into Flinders Medical Centre for day surgery. From her public hospital ward, she was wheeled into the adjacent private hospital where the surgery was performed, and she was then left there. After being refused attention from the private hospital staff, the patient had to insist on being taken to her FMC ward, whereupon a public hospital nurse was summoned to retrieve the patient from the private hospital.

The Hon. DEAN BROWN (Minister for Human Services): First, I invite the honourable member to confidentially give me the name of the patient. With that patient's agreement, I can then look at the circumstances. Surely the honourable member knows (because his electorate covers the Flinders Medical Centre area) that there is a joint agreement between the public hospital and the private hospital for a whole range of specialist services, about which I have talked in this House, where patients go into the private hospital as part of their treatment in the public hospital system. It is paid

for by the public hospital system. In other words, it is free of charge. I am happy to look at the particular circumstances. I am happy to follow it through if the honourable member will give me the name of the patient, but I highlight the fact that it is no secret that this has been a joint agreement between the public and private hospitals at Flinders. It has been announced; it is in operation; and, in fact, it means that we are sharing some world-class facilities. I have seen those facilities, and I invite the honourable member to come down to look at them. In fact, I would be surprised if he was not invited to the opening of the private hospital when the whole thing was shown. They are superb facilities. These public patients, who otherwise would be limited to the public hospital, in fact are able to access all the latest technology, particularly in the angiography laboratory in the private hospital, which is one of the best in the southern hemisphere, and to do so as a public hospital patient.

ABORIGINAL RECONCILIATION

The Hon. R.B. SUCH (Fisher): I ask the Minister for Aboriginal Affairs to indicate what progress has been made in implementing reconciliation strategies.

The Hon. D.C. KOTZ (Minister for Aboriginal Affairs): I thank the honourable member for his important question. The government is taking many initiatives to respond to the strategy documents produced by the Council for Aboriginal Reconciliation. To address economic disadvantage, the government is supporting Aboriginal communities throughout the state in developing a range of economically viable partnerships and business enterprises, to create employment and to increase the prosperity of Aboriginal people. To heal the wounds of the past, the government provides support to community-based reconciliation groups; and, in particular, the Government was very pleased to assist with the Walk for Reconciliation that was held in Adelaide on Monday, 12 June 2000.

To ensure that all South Australians had the opportunity to participate in what was a very important event, the government sponsored some half page advertisements in both the *Advertiser* and the *Sunday Mail* encouraging South Australians to participate in the walk, and certainly this was communicated to all councils and, indeed, to other organisations right across the state. Most people will know now that an estimated 50 000 supporters took part in that walk, which was a truly magnificent result; and it is with much pride that I joined with my fellow South Australians, both Aboriginal and non-Aboriginal, as we walked from Adelaide Oval across the King William Street bridge to Elder Park.

State Council for Reconciliation Co-Chair, Shirley Peisley, who was appointed a member of the Order of Australia in this year's Queen's Birthday Honours for service to indigenous communities, said that the walk was a clear sign that South Australians were ready to put the principles of reconciliation into practice. This government is taking action through the various departments and agencies to ensure that the principles of reconciliation are indeed put into practice. The Department of Human Services has implemented a number of reconciliation strategies, which include a departmental statement of reconciliation and the placement of improved health and well-being of Aboriginal people as a priority across that portfolio. The Department of Primary Industries and Resources has also provided assistance to promote increased Aboriginal involvement in mineral exploration in the AP lands and has actively encouraged a greater awareness of Aboriginal culture and heritage amongst its client groups. Through the Division of State Aboriginal Affairs the government has developed a module on working with indigenous people entitled 'Diversity in the work force plan'.

Government employees have been encouraged to participate in both consultation and discussion in meetings on the Council on Reconciliation's draft document for reconciliation. In the area of education, the government has fostered greater understanding between Aboriginal and non-Aboriginal people through the provision of grants to schools for reconciliation projects, and I commend all the ministers charged with the responsibilities of these departments for making sure that these measures have been implemented. For example, in the area of grants in education the Victor Harbor Primary School received a grant to record oral histories related to their 20 years of school exchanges with the Fregon Anangu school—a project which has enabled many students and parents from both school communities to hear about each other and their histories and cultures. The Department of Justice has implemented and developed reconciliation strategies that deal with the often very tragic problems that are experienced by Aboriginal people and their families.

Not every problem and certainly not every issue faced by Aboriginal communities will be quickly or easily resolved. Much work is still to be done by both Aboriginal and non-Aboriginal Australians, but if recent events have proved anything it is that Australians are walking together, perhaps for the first time in our history, towards the goal of true reconciliation.

ELECTRICITY, PRIVATISATION

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): I lay on the table the ministerial statement relating to electricity made earlier today in another place by the Treasurer.

PUBLIC WORKS COMMITTEE

Mr LEWIS (Hammond): I bring up the 129th report of the Public Works Committee, on the Education Centre refurbishment (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

Mrs GERAGHTY (Torrens): I commend my colleague the member for Kaurna for the notice of motion that he gave to the House earlier today. It is not very often that Adelaide plays host to a major international body such as the International Whaling Commission. It is a special honour for Adelaide that the International Whaling Commission should meet and deliberate in South Australia, and I am sure that like many others we welcome all the delegates here. We have had many calls from within my electorate of Torrens and also from other electorates and people from the country who have

expressed their great concern that the commission may lift the moratorium on commercial whaling. I and no doubt many others would agree with those constituents, and we also wish to lodge our protest in the strongest possible terms against current rogue whaling practices and the lifting of any moratorium on commercial whaling. I strongly oppose any of the tactics that may and possibly have been applied or could be implemented by the whaling commission delegates that will facilitate the recommendation of whaling as a legitimate industry.

Yesterday I wrote to the International Whaling Commission conveying this message and encouraging delegates to support a whale sanctuary in the South Pacific. I hope that this will lead to a global whaling sanctuary where whales will be free and safe from the predatory instincts of rogue governments who wish to perpetuate commercial whaling and those within the commercial fishing industry. Australians and people from many other countries obviously share a responsibility for the past whaling practices which led to whales being harvested almost to the point of extinction, and we must prevent this from ever happening again. In South Australia we can have a positive impact on the global debate of commercial whaling by continuing to lobby the federal government to support a global whale sanctuary and encouraging them to pursue this most vigorously in all international forums.

There has been a moratorium on commercial whaling since 1986; however, between them nations such as Norway and Japan continue to kill over 1 000 whales every year. Most people in the community would feel, particularly given some of the viewing we have seen on television, that whaling is an act of extreme cruelty. It is a practice that does not need to be applied in this day and age, when we have plants that can provide oils and other technological and scientific methodologies which render commercial whaling totally and absolutely unnecessary. In fact, studying the behaviour of whales, their diet and their transmigration activities can bring enormous ecological and economic benefits to our society (of course, they have to be alive for us to do that) and can certainly generate a huge income through our tourism industry. As I said before, I wholeheartedly support the views of people in our community. We delight in being able to see these magnificent creatures swimming in our waters and throughout the Pacific. Recently it has been noted that the whales are coming closer to our shorelines each year, because obviously they feel peace and security these days in being able to do that.

A return to commercial whaling would be a backward step ecologically, economically and scientifically. Whaling is a barbaric act, and the only protection the whale has from human predators are the voices of those many thousands and millions of people within our communities both here in Australia and from other countries who come from all walks of life and who speak out for international legislation which will protect whales by demanding this global whale sanctuary. I heard a radio interview yesterday where a commercial fisherman from Japan put paid to the claim that the Japanese are doing this for scientific purposes. He clearly said on the radio that his whale fishing was purely for commercial purposes; it had nothing to do with scientific data being collected but was simply for commercial purposes.

The Hon. G.M. GUNN (Stuart): I am pleased to participate in the grievance debate this afternoon, because it gives me the opportunity to express my concern about the manner in which members of the Opposition, particularly the member for Hart, have conduct themselves over recent days. One cannot help coming to the conclusion that the member for Hart is engaging in this course of action purely for the purpose of downgrading the value that the South Australian government on behalf of the taxpayers will receive for the generators. We are all aware of the urgent need to make investments in public infrastructure, and the better the price we get for the generators the better the long term infrastructure we can provide for the benefit of the people of South Australia.

It is very disappointing that the honourable member and others would try to create public anxiety and fear in the community in relation to courses of action that have not lost the taxpayers one dollar. With this charade and circus—this mock outrage—from the member for Hart, one would think that the whole ETSA leasing arrangement had collapsed around us and that we were on the verge of a second State Bank outlay. Nothing could be further from the truth, and nothing of the sort has taken place. The difference between this government and the previous government is that this government acted in a responsible and rational manner when a problem was brought to its attention, whereas the Bannon government made out that there was no problem: they sat on their hands and hoped that it would go away, and we all know the result.

Had the honourable member, with the opportunity he had this morning, in the presence of the Auditor-General and the Treasurer, raised any of the issues he has brought to the attention of the House today, he would have received full and frank answers. Unfortunately, he chose not to do that and I do not know why. I do not know whether he did not have the courage to confront the Treasurer in the presence of an impartial umpire or whether he was interested only in pursuing some political activity not based on fact—certainly not in being responsible—in order to create mischief and scuttlebutt, contrary to the best interests of the people of South Australia. It would be a great pity if that was his motive, because he had ample opportunity this morning and he failed to take advantage of that opportunity. I just wonder why he chose that particular course of action.

It was interesting to observe in the media last night and this morning that, according to the opposition, the Auditor-General had been 'summoned'. The Auditor-General was not summoned: he came at the invitation of the minister. We all went to a fair bit of trouble to arrange our programs to get there this morning. I have no problem with that: one or two of us put ourselves out continually in that respect. There was no 'summoning': that is greatly dramatising the situation. Listening to the radio this morning, one would have thought that people were being called before the American Senate Foreign Relations Committee. People were working themselves up into a lather when there was no need for it. There has been no loss to the taxpayers. When the advice from the Auditor-General becomes public, it will be seen that the government acted responsibly and reasonably.

The second matter I raise is that I believe it is time for the Pastoral Act to be amended to give pastoralists a better go. Pastoralists have been the victims of unfair and unreasonable assessment officers who have not told the truth, and I believe that the act should be amended to provide for an additional pastoralist on the Pastoral Board so that pastoralists can be treated fairly and are not subjected to the same sort of exercise as has existed previously. When appointments were first made to the Pastoral Board, it was in the days when the

interviewing panel had set questions. No other questions could be asked when people such as Anne Jensen were running the board. They knew nothing about the pastoral industry and had another agenda, and the whole situation created an atmosphere of mistrust. Many pastoralists were the victims of the most unfair assessment process, with attempts being made to devalue their properties.

Time expired.

Mr SNELLING (Playford): I rise to inform the House that 20 000 tonnes of rail ballast has been dumped by the government in Pooraka, a suburb that I have the privilege to represent in this chamber. The ballast has been dumped on the site of the old Northfield railway line to the immediate east of Main North Road. It is adjacent to walking trails and the Pooraka Primary School. I was horrified when Trans-Adelaide provided me with a briefing which stated that the ballast was contaminated by the following chemicals: arsenic-based weedicide; polycyclic aromatic hydrocarbons; mono-aromatic hydrocarbons; and organochlorine pesticides.The briefing states that, other than polycyclic aromatic hydrocarbons, the chemicals that contaminate the ballast are within approved levels.

However, the material has been dumped in a residential suburb between a school and the fresh food section of the Woolworths warehouse. I was shocked to discover that the government had not even bothered to seek the appropriate environmental and planning approval to dump the material. It shows the complete blasé of the government to those of us who make our homes north of Gepps Cross.

I have written to Pooraka residents to inform them of the dumping of this contaminated material and offered them the opportunity to send the message to the transport minister that our district is not a dump, and demanding the removal of the ballast. So far, I have received 630 replies. Some of the people who have replied have added their own comments. One person noted that she had children who attended the Pooraka Primary School. Another said:

> As a registered nurse who works with children in the community, I am shocked that you would allow this.

Another said:

> Stop using our neighbourhood, use yours.

Yet another said:

> This is a residential area. Just because it is not in your neighbourhood does not make it less important.

I would like to thank all those who have sent in their protest, and especially the many parents at Pooraka Primary School who have assisted me in the preparation and distribution of my letter to Pooraka residents. For too long, those of us in the northern suburbs have had to put up with the dumping of waste. I would like to add my personal demand, as someone who has chosen to make my home and raise my family in Ingle Farm, that the contaminated rail ballast be removed.

The Hon. D.C. WOTTON (Heysen): This afternoon I wish to refer to two matters, both of which relate to the portfolio of the Minister for Health. First, I want to say how delighted I was to see that the budget allocation for this year provided extra funding for foster carers in South Australia. The minister has announced that the budget allocation for foster care will include a 12 per cent increase in payments to foster parents. It was my pleasure to get to know a number of these foster parents during my term as Minister for Family and Community Services. They are people for whom I have considerable respect, and they deserve every assistance that can be provided for them.

As the minister has indicated, many foster children have been victims of tragic circumstances, and I am delighted that the government recognises the unselfish humanitarian work that is done by foster families. I understand that foster parents at the present time look after about 850 children throughout the state, and I am very much aware of the commitment that these people make as they, in turn, make available to these young people the benefits that come from a family environment. There is no doubt that the increased payments for foster parents will help them to continue to do their valuable work.

I also was delighted to learn that an extra $2.5 million is to be made available in recurrent funding for mental health services. An organisation of which I am part, Rotary International, also has made mental health a very high priority, and I will on another occasion refer to some of the information that has been made available to me through that organisation.

The minister has indicated that the appointment of a State Director of Mental Health, along with more supported accommodation and a new crisis intervention team for the outer southern regions, are the highlights of a new plan for mental health services in South Australia. The minister has released the detailed plan following an extensive review that has been carried out, with consultation, by Dr Peter Brennan, who is a former head of W.A. Health.

The plan includes details of how the government will spend the extra $2.5 million worth of funding. The government will provide more community services for people with mental illness, including supported accommodation in Adelaide and in the country, and I am sure that all of us in this place are aware of that current need. Funding of $1.1 million will be provided for the improvement of support services, including funding of a new acute crisis intervention team for the outer southern suburbs which will be based in the Noarlunga area. An additional amount of $2.5 million recurrent funding has been allocated for mental services on top of the extra $3 million a year made available in 1998-99 as part of the mental health summit funding.

The key initiatives include $600 000 that has been allocated to supported residential services, with a further $600 000 allocated for the Crisis Accommodation program to develop supported accommodation services for Aboriginal people in the inner Adelaide area. I support these initiatives very strongly. I am sure that all members in this House would support those initiatives in the same manner and that they will be welcomed by all South Australians.

Mr HANNA (Mitchell): Today, I will pay tribute to one of Adelaide's great Labor law firms, Stanley and Partners, where I was privileged to have worked in the early 1990s. A few days ago, on 30 June, the firm of Stanley and Partners dissolved after a century of commitment to protection of workers' rights, especially their industrial and compensation rights.

The firm was founded by the Hon. Bill Denny in 1912. He traded as W.J. Denny & Co. He was a member of the state parliament from 1900 to 1933, with a couple of slight breaks during that period. Apart from his election in 1900 to the electorate of West Adelaide, he was otherwise the member for Adelaide throughout his parliamentary career. He served as Attorney-General in each of the Labor governments during that period. He enlisted during World War One and received the Military Cross for bravery in action at Ypres, in which he

was wounded, and he finished the war with the rank of captain.

Mr Denny was joined in practice by the Hon. J.J. Daly. After standing unsuccessfully for the Legislative Council in 1923, Daly was elected to the senate and became government leader in the senate as well as Minister for Defence in the Scullen government. For a short period he was Acting Attorney-General, in which capacity he appointed Justices Evatt and McTiernan to the High Court.

J.J. Daly also distinguished himself as the manager of the South Australian football team that played against Victoria in the 1920s. Mr L.J. Stanley joined the firm in 1924 and he was to serve with the firm for close to 50 years. For a short time in the mid-1920s, the Hon. John Leo Travers joined the partnership and it was known as Denny, Daly and Travers. Perhaps Leo Travers' political philosophy did not quite suit the firm for he later served in the House of Assembly from 1953 to 1956 as a Liberal and Country League member, but his experience at the firm must have helped because he also served as a justice of the Supreme Court from 1962 to 1969.

After the departure of Denny and Daly, the firm was simply known as L.J.Stanley. There was another brief period when Laurie Stanley was in partnership with Bill Kerin, so the firm was known as Stanley and Kerin for a short while. Bill Kerin had the distinction of fathering three lawyers: Carmel, Tony and John. The Hon. B.C.Stanley, otherwise known as Laurie's son Brian, joined the firm in 1953, and it then became known as Stanley and Stanley. Brian Stanley remained with the firm until he went to the bar in 1973, later to become the President of the Industrial Court in 1984 and President of the Workers Compensation Tribunal in 1986.

When Terry McRae joined the partnership in the 1960s it became known as Stanley and McRae. That was short-lived, however, as Terry McRae was elected to the State Parliament as the member for Playford. He represented that electorate from 1970 to 1989. He served as Speaker of the House of Assembly from 1982 to 1986. With the departure of Mr McRae the firm became known as Stanley and Partners and the number of solicitors grew beyond the very small firm it had been up to that point. The following practitioners served there during the 1960s and 1970s: Richard White and David Quick, who are both now Queens Counsel; her honour Helen Parsons, who was appointed a magistrate in 1983 and then judge of the Industrial Court, later the Industrial Relations Court; and the Hon. Chris Sumner who was a member of the Legislative Council from 1975 to 1994, serving as Attorney-General from 1982 to 1993 and who is currently a Registrar of the Native Title Tribunal. Magistrates Mr Gumble and Mr Field and the Federal Industrial Registrar Ms Leonie Farrell also worked at the firm for various periods of time.

Finally, I note that when Mr Tim Stanley, currently a barrister and the ALP candidate for the Federal seat of Adelaide, graduated as a lawyer, there was no room at the inn, so he never got to work as a lawyer at Stanley and Partners. I dare say, however, that he is as sentimental about the firm as any of us, given the prominent roles that his father, Brian, and his grandfather, Laurie, played in carrying on the traditions of the firm. In my allotted five minutes I can record only the briefest history of this firm. It has occupied a special place in the Adelaide legal profession. No other firm can claim to have shown a dedication to the protection of workers' rights combined with a genuine commitment to affordability for both unions and individual workers spanning over nearly a century of tradition. The justice proclaimed in the statutes is worth nothing without lawyers who are willing to champion the legal rights of the workers in the courts so that justice is done at the end of the day.

My heartfelt good wishes go out to the final partners: Peter Mullins, Simon Langsford, Tim Bourne, Eugene Reinboth and Angela Ferdinandy, as well as the solicitors and other staff of Stanley and Partners. Once again, I pay tribute to the good work, the hard work and the integrity of all those who contributed to the Stanley and Partners tradition.

Mr MEIER (Goyder): On 6 December 1999, a new committee was formed in the Wakefield Regional Council area, the Wakefield Regional Road Safety Committee. Prior to that date I was very pleased to receive from First Class Constable Richard Errington of the Port Wakefield police an invitation to attend and formally open the meeting. I was very happy to do that. As a result of that committee's being established considerable action has occurred. Yesterday, the Wakefield Regional Road Safety Committee held its first annual general meeting and formally elected its office bearers. A constitution had been developed over previous meetings, so the annual general meeting was able to work according to the new constitution.

In simple terms, the objects and purposes of the committee are to reduce the number and severity of crashes and potential crashes causing injury and/or death to road users; to support people in road trauma (where the need arises); to develop policies and procedures at the local level; to establish and promote road safety to the community; to promote road safety issues; to provide potential economic savings to the community; to implement the search for development of effective programs for implementation and evaluation at the local level; to release regular information to appropriate media on topics regarding the safety of the community in relation to road safety issues; to implement and promote educational road safety programs for all road users (pre-school, primary and high school education levels and the general community); and any other objectives which, from time to time, the community may find are consistent with the committee's objects and purposes.

Yesterday, First Class Constable Richard Errington was elected chairman of the committee and First Class Constable Neil Anderson from the Balaklava police was elected secretary and treasurer. Other members of the committee who serve on a regular basis include Senior Constable Martin Bazeley, Port Wakefield police; Senior Constable Ray Andt, Snowtown police; Senior Constable Bob Alsop, Balaklava police; Senior Constable Neil Jenner, Hamley Bridge police; Mrs Mercedes Haralam, Safety Strategy Officer from the Office of Road Safety; Mr Ken Roberts, representing the Wakefield Regional Council; Mr David Collins, Transport SA; Mr Chris Cowan, Balaklava CFS; and Mrs Pat Berry, from the Lower North Community Health Service.

Certainly, any members of the community are welcome to attend committee meetings and, from time to time, some have attended. This new initiative will bring about considerable changes in the area of road safety. One item agreed to at yesterday's meeting was the installation of road markers to identify fatal and non-fatal crash sites throughout the area of the Wakefield Regional Council. Certainly, we are very appreciative of the support that council is giving at this stage. I trust that this committee will help to alert people and, where possible, to alleviate the potential for road accidents and to make some South Australian roads much safer on which to travel.

SELECT COMMITTEE ON THE MURRAY RIVER

Mr MEIER (Goyder): On behalf of the member for Heysen, I move:

That the committee have leave to sit during the sittings of the House this week.

Motion carried.

UNIVERSITY OF ADELAIDE (HONORARY DEGREES) AMENDMENT BILL

The Hon. M.R. BUCKBY (Minister for Education and Children's Services) obtained leave and introduced a bill for an act to amend the University of Adelaide Act 1971. Read a first time.

The Hon. M.R. BUCKBY: 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 University of Adelaide has requested that the *University of Adelaide Act 1971* be amended to include a provision that empowers the University to award degrees, diplomas or other awards on an honorary basis. The University currently awards an honorary degree of Doctor of the University and wishes to retain this as their premier award in recognition of distinguished service directly to the University.

The power to award honorary degrees, diplomas or other awards would enable the University to recognise people, particularly on the international stage, who have rendered distinguished service either directly or indirectly to the University and who have contributed to the pursuit of the goals, mission or values shared by the University.

The proposed amendments are to sections 6 and 22 of the *University of Adelaide Act 1971*.

Flinders University and the University of South Australia have the general power in their respective Acts to allow for the awarding of honorary degrees.

Consultation has occurred with the University on the proposed Bill and they are in agreement with the proposed changes.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 6—Power to confer awards

This clause amends section 6 of the principal Act, which sets out the powers of the University of Adelaide to confer degrees, diplomas or other awards. Subsection (2a) currently empowers the University to admit a person to an honorary degree of Doctor of the University whether or not that person has graduated at Adelaide University or any other University. New subsection (2a) retains that power but also enables the University to admit a person, on an honorary basis, to any degree, diploma or other award that the University may have constituted (and, again, to do so whether or not the person concerned has graduated at the University of Adelaide or any other University).

Clause 3: Amendment of s. 22—Statutes, regulations and rules

This clause amends section 22(1)*(ia)* of the principal Act to empower the University of Adelaide to make statutes, regulations or rules providing for the admission of persons to honorary degrees, diplomas or awards.

Mr HILL secured the adjournment of the debate.

HISTORY TRUST OF SOUTH AUSTRALIA (OLD PARLIAMENT HOUSE) AMENDMENT BILL

Second reading.

The Hon. DEAN BROWN (Minister for Human Services): 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.

Old Parliament House was previously named the Constitutional Museum. It was placed under the care, control and maintenance of the History Trust when the Trust was created in 1981. The Trust opened the Museum in 1980 and it continued to operate as a museum until 1995.

In 1995, the Government made a decision to close Old Parliament House museum, move the State History Centre to Edmund Wright House and relocate Parliamentary offices (from the Riverside building) to Old Parliament House. This decision was based on falling attendance numbers at the museum, making the best use of Edmund Wright House and savings in rental from the relocation of Parliament offices. Parts of Old Parliament House remain open to the public, primarily for educative purposes.

These changes required the agreement of the History Trust pursuant to Section 15(1) of the *History Trust South Australia Act 1981* (Act), which states that:

'The constitutional museum shall be under the care, control and management of the Trust.'

To facilitate the above, the Act was amended in 1995 to include an additional clause, Section 15(4), which states:

' . . . the Trust may, with the consent of the Minister, make the constitutional museum available for the purposes of the Parliament, on terms and conditions approved by the Minister.'

Late in 1997, the History Trust central directorate co-located with State History Centre staff in Edmund Wright House. Subsequently, the Speaker and President requested that the ownership of Old Parliament House be transferred to the Crown for the purposes of the Parliament—and the History Trust has supported this course.

To effect this transfer, the Act needs to be amended to remove any responsibility for the Constitutional Museum from the Trust. Then the ownership of the building will revert to the Crown through the Minister for Government Enterprises. This is consistent with the legal status of new Parliament House. Whilst the care, control and management of the Old Parliament House will rest with the Minister for Government Enterprises, the Speaker and Presiding Officer will have the responsibility for day to day management of Old Parliament House.

The Crown Solicitor advises that amendment of the Act to remove History Trust's responsibility for Old Parliament House will have the effect of reverting the whole of the Parliament House Site as originally described in the Parliamentary Buildings Act of 1877 to unalienated Crown Land under the care, control and management of the Minister for Government Enterprises.

However, as this relies on following the Ministerial succession of the Commissioner of Public Works (as defined in 1877) and the outcome of a number of legislative changes over the past 123 years, the Crown Solicitor believes it would be prudent for the Minister for Environment and Heritage, to whom the *Crowns Lands Act, 1929* is committed, to publish a notice in the South Australian Government Gazette pursuant to Section 5*(d)* and *(f)* dedicating the whole of the Parliament House site for the purposes of Parliament and granting care, control and management of the whole of the site to the Minister for Government Enterprises. If, for any reason, the Government wished a land grant (fee simple title) to issue for the whole of the Parliament House Site then, immediately following the rededication and granting of care, control and management, the Governor could pursuant to Section 5aa of the Crown Lands Act issue a land grant to the Minister for Government Enterprises upon trust for the purposes of Parliament. This would mean that a certificate of title for the Parliament House Site would be issued to the Minister for Government Enterprises. However, as it would be issued in trust for the purposes of Parliament, it could not be dealt with for any other purposes.

I commend this Bill to Honourable Members.

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: Amendment of long title

This clause is consequential.

Clause 4: Repeal of s. 3

Section 3 of the Act is now unnecessary as the official consolidation of the Act set out a detailed, up-to-date, summary of provisions.

Clause 5: Amendment of s. 4—Interpretation

Clause 6: Repeal of s. 5

Clause 7: Amendment of heading

These clauses are consequential.

Clause 8: Amendment of s. 15—Historic premises

The premises formerly known as the constitutional museum, and now as *Old Parliament House*, are no longer to be held under the care, control and management of the History Trust of South Australia. Instead, it is intended to dedicate the whole of the Parliament House site for the purposes of the Parliament pursuant to the dedication under the *Crown Lands Act 1929*.

Clause 9: Transitional provision

These provisions provide a mechanism to ensure that any rights or liabilities of the South Australian History Trust of South Australia relating to Old Parliament House may be dealt with in an appropriate manner.

Clause 10: Amendment of the Parliament (Joint Services) Act 1985

Consideration of the position of Old Parliament House has led to the proposal that a consequential amendment be made to the *Parliament (Joint Services) Act 1985* to clarify that references to "Parliament House" in that Act extend to Old Parliament House, and any appurtenant land.

Mr HILL secured the adjournment of the debate.

NATIVE TITLE (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. I.F. EVANS (Minister for Environment and Heritage): 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.

Background

The Commonwealth *Native Title Amendment Act 1998* came into operation on 30 September 1998. It substantially amended the *Native Title Act 1993*.

The State Government reviewed the legislative options available under the Commonwealth legislation for South Australia and, as a result of that review, introduced the *Statutes Amendment (Native Title No. 2) Bill 1998* ('the 1998 Bill') into Parliament on 10 December 1998.

The 1998 Bill, which has now lapsed, proposed amendments to the State's existing native title scheme, as contained in the:

- *Native Title (South Australia) Act 1994*
- *Environment, Resources and Development Court Act 1993*
- *Mining Act 1971*
- *Opal Mining Act 1995*.

The 1998 Bill proposed the insertion of a new 'right to negotiate' scheme in the *Petroleum Act 1940* that mirrored the successful schemes that are already operating under the *Mining Act* and the *Opal Mining Act*. It proposed incidental amendments to the *Aboriginal Land Trust Act 1966* and the *Electricity Act 1996*. Proposed amendments to the State's *Land Acquisition Act 1969* were prepared separately but were dealt with in conjunction with the 1998 Bill.

The *Native Title (South Australia) (Miscellaneous) Amendment Bill* contains only amendments to the first of the Acts mentioned above, namely, the *Native Title (South Australia) Act*. It represents the State's legislative response to the amendments to the *Native Title Act* in so far as they relate to the section 207A (recognised State bodies) scheme.

A separate Bill (the *Native Title (South Australia) (Validation and Confirmation) Bill 1999*) contains provisions to amend the *Native Title (South Australia) Act* to include validation and confirmation provisions as contemplated by the Commonwealth *Native Title Act*.

The amendments proposed in the 1998 Bill to other State Acts and the proposed amendments to the State's *Land Acquisition Act* are presently subject to continuing consultations with Commonwealth officials to ensure strict conformity with the provisions of the *Native Title Act*.

Amending legislation for those Acts will be introduced once substantial agreement with Commonwealth officials as to such conformity has been reached and there has been an opportunity for further consultation with Aboriginal and other interest groups.

Recognised State bodies

Section 207A (formerly section 251) of the *Native Title Act* allows the States to establish their own Courts or bodies to decide native title claims (subject to approval from the relevant Commonwealth Minister).

The section envisages that there be will be a nationally consistent approach to the recognition and protection of native title and therefore requires that the law of a State and procedures thereunder be broadly consistent with the provisions of the *Native Title Act.*

South Australia received a determination from the Commonwealth Minister in 1995 stating that the ERD Court and Supreme Court are both recognised State bodies for the purposes of section 251 (now 207A) of the *Native Title Act.*

As a result of the 1998 amendments to the *Native Title Act*, it is necessary to amend the existing State legislation constituting the Supreme Court and ERD Court as recognised bodies to ensure the consistency of State processes with those in the amended *Native Title Act.*

Under the provisions of the *Native Title Act*, the Commonwealth Minister may write to the Attorney-General at any stage, as the State Minister concerned, to indicate that he considers the State's recognised bodies scheme to be non-compliant. It is therefore important to ensure that the scheme is rendered compliant.

State and Commonwealth officials have liaised closely (and will continue to liaise) in order to ensure that the proposed amendments are consistent with the amended *Native Title Act* provisions.

Procedural amendments

The legislation amends South Australia's registration test under the *Native Title (South Australia) Act*. The proposed new State registration test applies from the date of the proclamation of the Commonwealth legislation (30 September 1998) to avoid potential inconsistency or forum shopping on the part of claimants. The Government indicated in a public statement in 1998 that it intended to amend the *Native Title (South Australia) Act* in this way.

A new section 39A has been introduced to specify the content of orders for the payment of compensation. A new section 27A has also been introduced to set out the information to be provided in claims for compensation. Both these sections are in terms similar to the equivalent provisions in the *Native Title Act.*

Amendments to the definition sections

A number of definitions and amendments are made to sections 3 and 4 of the *Native Title (South Australia) Act* to reflect definitions in the *Native Title Act* and to clarify aspects of the operation of South Australia's scheme. In addition, section 4(5) of the *Native Title (South Australia) Act*, which currently states that native title in land was extinguished by an act occurring before 31 October 1975 that was inconsistent with the continued existence, enjoyment or exercise of native title in the land, has been removed as it is no longer necessary in light of the confirmation of extinguishment provisions which will be inserted in a later part of the *Native Title (South Australia) Act*. The section only had a declaratory effect which is now covered by the *Native Title Act*.

Change to notification processes

Section 30 of the *Native Title (South Australia) Act* has been amended to differentiate between the processes that must be followed depending on whether the notice issued is initiating right to negotiate proceedings or simply part of a general notification/consultation process. Notices that do not initiate the right to negotiate process will have a more streamlined process to follow, consistent with the *Native Title Act*.

The notification provisions contained in Division 5 of Part 3 of the *Native Title (South Australia) Act* have been repealed and new provisions substituted. New sections 15 and 16 refer in general terms to the information to be provided to the Registrar and to the giving of notice and leave the detail of how notice is to be given to the regulations.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation of Acts and statutory instruments

This clause amends the interpretation provision. Subsection (1) of section 3 of the Act contains definitions that apply across the Statute Book. The following alterations are made to those definitions:

- A new definition of Aboriginal group is included for two purposes—to describe the persons to be considered a group for the purposes of making a claim to native title (namely, those that hold or claim to hold the native title under a particular body of traditional laws and customs) and to make it clear that, if there

is only one surviving member of the group, that person will constitute the group.

- What it means to affect native title is defined in terms comparable to section 227 of the NTA.
- Claimant applications and non-claimant applications are defined to simplify references to applications for native title declarations made by Aboriginal groups and those made by others.
- The new definition of native title declaration reflects the terminology used in the NTA.
- A technical amendment to suit Commonwealth terminology is made to the definition of native title question.
- A new definition of native title party is included, referring to the Aboriginal group registered as the claimant to or the holder of native title. The term is used in provisions requiring negotiation with appropriate native title parties.
- A new definition of native title register is included for ease of reference to the Commonwealth and State Registers.
- A new definition of registered is included to make it clear that persons identified or described in a native title register as holders of or claimants to native title will be taken to be registered as holders of or claimants to native title.
- A new definition of registered native title rights is included as a means of limiting, where necessary, a reference to native title to those rights described in the relevant entry in a native title register. Under the Commonwealth scheme it is only acts affecting registered rights in respect of which a claimant has a right to negotiate.
- Substitution of the definition of registered representatives of claimants is a consequential technical amendment.
- The definition of representative Aboriginal body is substituted (and subsection (2) struck out) to reflect sections 202(1) and 203AD of the NTA. The NTA now requires that it is the Minister's action under that Act that will determine the representative bodies for South Australia.

  Subsection (3) of section 3 of the Act contains definitions that apply only for the purposes of the Act.
- The substituted definition of mining tenement (and the definition of relevant Act) provides a more flexible approach to ensure that all tenements relating to the recovery of underground resources are covered.
- A new definition of right to exclusive possession of land is included to enable the NTA wording to be conveniently incorporated. The expression is used in proposed sections 18(3)(c) and 23(3)(c).

A new subsection (2) is inserted to standardise references to native title and native title rights and interests.

Clause 4: Amendment of s. 4—Native title

The amendments in this clause reflect the amendments to the concept of native title in s. 223 of the NTA.

Clause 5: Insertion of s. 4A

The new section describes the functions of a registered representative or native title holders or claimants.

Clause 6: Amendment of s. 13—Principles governing proceedings

Section 13 is amended to ensure that the Court follows the evidentiary practice of the Federal Court in relation to certain native title proceedings.

Clause 7: Substitution of Part 3 Division 5

A new Division is inserted enabling the regulations to deal with notification in relation to native title questions. A new Division 6 deals with the procedural matters of joinder of parties and costs.

Clause 8: Amendment of s. 17—Register

The amendment to paragraph *(c)* reflects s. 186(1)*(g)* NTA. The register is required to contain a description of the rights claimed to be conferred by the native title.

The removal of subsection (4)*(b)* means that the names and addresses of the claimants need not be included in the register and reflects the removal of s. 188(2) of the NTA.

New subsection (5) requires the Registrar to keep the register up to date.

Clause 9: Substitution of ss. 18, 19 and 20

These sections are substituted in order to mirror the new registration test and the processes for registration of a native title claim contained in the NTA.

Proposed section 18 sets out the persons who may make an application for a native title declaration. This corresponds to the table in section 61 of the NTA. Various restrictions on the making of applications are set out, corresponding to section 61A of the NTA.

Proposed section 18A mirrors the requirements of ss. 61 and 62 of the NTA (and to a certain extent s. 190C(4) and (5)) about the content of an application for registration of a native title claim.

Proposed section 19 requires the Registrar to determine whether, in the case of a claimant application, the claim should be registered. A claimant may choose not to submit the claim for registration—for example, where it is clear that the registration tests are not met but the claimant requires the matter to be determined by the Court.

Proposed section 19A sets out the test to be applied to claims by the Registrar and corresponds to ss. 61A, 190B, 190C and 190D of the NTA.

Proposed section 19B is similar to s. 190D(2) of the NTA. Under the State scheme, all decisions in relation to registration are reviewable (for example, a decision to register some rights but not others). The test relating to association with the land by a parent of a member of the claimant group is applied directly at the registration stage in the State provisions rather than at the review stage as in the Commonwealth provisions.

Proposed section 20 makes it clear that the ERD Court is to hear an application for a native title declaration.

Clause 10: Amendment of s. 21 and relocation of ss. 21 and 22

The amendment to section 21 is consequential on the inclusion of definitions of claimant and non-claimant applications. The provisions are relocated to alter the structure of the Part. Matters not relating to native title declarations (Division 3) are shifted to Division 4, Miscellaneous.

Clause 11: Amendment of s. 23—Hearing and determination of application for native title declaration

The amendment to subsection (2) allows a council to be heard on the hearing of an application for a native title declaration.

Other amendments reflect s. 225(b) to (e) of the NTA. They require native title rights, and the relationship between the native title and other interests in the land, to be specifically defined.

Clause 12: Amendment of s. 24—Registration of representative

This clause makes a technical amendment to section 24 to more closely reflect the Commonwealth Act as amended.

Clause 13: Insertion of S. 24A

The new section requires a native title declaration to be made in proceedings for compensation for an act extinguishing or otherwise affecting native title in relation to land for which a native title declaration has not been made.

Clause 14: Insertion of heading

A new Division 4 heading is inserted to better structure Part 4.

Clause 15: Substitution of s. 26

This clause ensures that section 26 dealing with merger of proceedings reflects the Commonwealth Act as amended.

Clause 16: Amendment of s. 27—Protection of native title from encumbrance and execution

This is a consequential amendment relating to the restructuring of Part 4.

Clause 17: Insertion of Part 4A

The new Part deals with procedural matters relating to compensation for acts extinguishing or otherwise affecting native title.

Clause 18: Amendment of s. 30—Service where existence of native title, or identity of native title holders, uncertain

These amendments introduce two different requirements for service on all who hold or may hold native title in land depending on whether the notice to be served is a right to negotiate notice (as defined) or not. If it is, the notice requirements derive from section 29 of the NTA (those that apply in relation to future acts giving rise to a 'right to negotiate'). If it is not, more limited notification requirements apply similar to those set out in provisions giving native title holders procedural rights, such as 24MD of the NTA.

Clause 19: Insertion of s. 39A—Content of orders for compensation to Aboriginal group

Proposed section 39A corresponds to section 94 of the NTA.

Clause 20: Transitional provision—Previous registration or application for registration of claim to native title

These provisions require reconsideration of any claims lodged before commencement of the Part in accordance with the new registration test.

Mr HILL secured the adjournment of the debate.

STATUTES AMENDMENT AND REPEAL (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second reading.

The Hon. I.F. EVANS (Minister for Environment and Heritage): 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 Bill will make a number of minor uncontroversial amendments to legislation within the Attorney-General's Portfolio.

Associations Incorporation Act

The Bill will amend section 41(2) of the *Associations Incorporation Act* to also refer to the new Chapter 5A of the Corporations Law.

Section 41 of the Act applies the winding up provisions of the Corporations Law to incorporated associations as if an association were a company and as if the provisions were incorporated into the Act.

In 1998, the Commonwealth enacted the *Company Law Review Act*, which rewrote the provisions of the Corporations Law dealing with the formation of companies, company meetings, share capital, financial statements and audit, annual returns, deregistering and reinstating defunct companies and company names. These amendments became effective on 1 July 1998.

The rewriting of these provisions involved significant restructuring of the Corporations Law. Division 8 of Part 5.6 (as currently referenced as applying to associations) has been substituted by Chapter 5A.

Although the Corporations Law that is applied is taken to be that which is in force from time to time, Chapter 5A also contains a provision for which there is no antecedent in Division 8 of Part 5.6, dealing with claims against insurers of deregistered companies.

The Bill will amend the *Associations Incorporation Act* to refer to Chapter 5A in the applied provisions.

Correctional Services Act, Criminal Law Consolidation Act, Criminal Law (Sentencing) Act and Young Offenders Act

There is currently a problem where a person serving time for an offence committed as a juvenile is charged with an offence committed as an adult. While ordinarily a sentence imposed on an adult may be made cumulative upon the existing sentence, this is currently unable to be applied to an adult who commits an offence or offences while serving a sentence for an offence or offences committed as a juvenile. This applies even in cases of escape from custody, where the sentence is normally required to be made cumulative upon the existing sentence.

The Bill will therefore amend a number of Acts to ensure that an equal system applies to all offenders convicted as adults and that sentences for escapes are cumulative on any existing sentence, whether of imprisonment or detention.

There has also been a question raised over the capacity of officers of the Department for Correctional Services or the Department of Family and Youth Services to bring action for the enforcement of community service orders. The Bill will amend the *Criminal Law (Sentencing) Act* to make it clear that such officers may bring action for the enforcement of community service orders.

The Bill will make a further amendment to the *Criminal Law (Sentencing) Act*. Under amendments previously made to the Act to establish the new fines enforcement scheme, new section 70G refers to the seizure or sale of property to satisfy a fine debt. However, the *Criminal Law (Sentencing) Act* does not currently enable the conversion of property into money. This is in contrast to the *Enforcement of Judgments Act* which permits such conversion. The *Criminal Law (Sentencing) Act* will be amended to enable the conversion of property into money.

Crimes At Sea Act

The Bill will make a number of amendments to the *Crimes At Sea Act* to bring it into line with the National Scheme. The Act implements a co-operative scheme established by agreement between the Commonwealth and the States and Territories. It was based on model legislation prepared by the Parliamentary Counsels' Committee. South Australia was one of the first States to enact its *Crimes At Sea Act*. Since the Act was enacted, a number of minor changes have been made to the scheme. These include the withdrawal of Norfolk Island from the scheme, the insertion of transitional provisions and the insertion of a provision which makes it clear that the Act does not apply to acts or omissions to which *the Crimes (Aviation) Act 1991 (Cth)* applies. The Bill will amend the *Crimes At Sea Act* to reflect those changes.

Additionally, it is necessary to amend the Act to prevent the Act commencing before other States' legislation is in place. The Act was passed in 1998 and assented to on 10 September 1998, but has not yet come into operation.

While some States have enacted equivalent legislation, and the Commonwealth has enacted its complementary legislation, Queensland and the Northern Territory have not yet introduced legislation into Parliament to implement the scheme. It is therefore unlikely that all States will have their legislation in place by the time South Australia's legislation is due to come into operation by virtue of section 7(5) of the *Acts Interpretation Act 1915*. Under section 7(5) of the *Acts Interpretation Act 1915* an Act which comes into operation on a day to be fixed by proclamation will automatically come into operation two years after it receives royal assent, unless proclaimed earlier. This would result in the South Australian Act coming into operation on September 10, 2000. It is unlikely that the other States will be ready for the scheme to commence on that date. It would be inappropriate for the South Australian legislation to commence operation on that date, in isolation from other States. The Bill will therefore amend the commencement provision to ensure that the Act will not automatically commence.

Criminal Injuries Compensation Act and Environment, Resources and Development Court Act

The Bill will also amend the *Criminal Injuries Compensation Act* and the *Environment, Resources and Development Court Act* to deal with an issue arising from the operation of the New Tax System, to come into operation on 1st July 2000, which imposes the Goods and Services Tax (GST).

Under the New Tax System, supplies of goods and services will be taxable. The supplier is liable to pay the tax, and is entitled to adjust the price of the goods or services to the consumer accordingly. It is the consumer, not the supplier, who is intended to ultimately bear the tax under this system.

This presents no difficulty where the price of the goods or services is fixed by the market, but a difficulty does arise where a maximum fee chargeable for the service is fixed by law. In that case, if the supplier is not entitled to charge more than the set maximum, then he or she must bear the tax instead of being able to on-charge it. This is not the intention of the New Tax System. Accordingly, it is necessary to amend such legislation to make it clear that in addition to the maximum permitted fee, the supplier is also able to charge the proper amount representing the GST.

In the present case, the *Criminal Injuries Compensation Act* and *the Environment, Resources and Development Court Act* both contain provisions activating fee limits fixed by Regulation, in one case, or by the Rules of Court, in the other, which legal practitioners can charge to clients for work done in those jurisdictions. For the above reasons, it is necessary to amend those provisions to permit on-charging of GST.

There has been consultation with the Law Society and the ERD Court on these measures, which are supported.

Criminal Law (Forensic Procedures) Act

Currently, some sections of the *Criminal Law (Forensic Procedures) Act* relating to the taking of samples and the entering of information onto a database do not allow for the situation where an offender is not convicted of the offence with which they were charged, but is convicted of another offence by way of alternative verdict. As a result, no data can be kept on offenders in this situation. However, section 16(1)(g) of the *Criminal Law (Forensic Procedures) Act* provides that before a person who is under suspicion consents to a forensic procedure, a police officer must explain to the person, *inter alia*, that if information is obtained from carrying out a forensic procedure and the person is subsequently convicted of the suspected offence (or another offence by way of alternative verdict) or declared liable to supervision, the information may be stored on a database, and therefore accessible by authorities of South Australia, the Commonwealth and other States and Territories. It is clear that when the Act was enacted, it was intended that data could be kept where an offender was convicted of another offence by way of alternative verdict. There is no reason for a different standard to apply.

The Bill will therefore amend the *Criminal Law (Forensic Procedures) Act* to provide that these sections also apply where the offender is convicted of another offence by way of alternative verdict.

The Bill will also amend the Act to clarify the position with respect to the storage on the database of DNA profiles obtained as a result of s. 30 orders, which are orders authorising the taking of material for the purpose of obtaining a DNA profile from a person after the Court has dealt with the charge. This issue arose in the recent case of *Police v Stefanopoulos [2000] SASC 59* where the defendant tried to argue that based on the wording of section 49, only

DNA profiles obtained from forensic procedures carried out during the investigative stage before conviction can be stored on the database. While His Honour found that in the context of the Act, the proper meaning and effect of the legislation was that the power to store DNA profiles was not limited to material obtained from forensic procedures carried out during the investigative stage, His Honour described the language in s. 49(2)*(a)* as 'not ideal', suggesting a lack of clarity.

It is clearly the intention of the Act that DNA profiles obtained as a result of orders made pursuant to s. 30 may be stored in addition to DNA profiles obtained as a result of orders made prior to conviction.

Election of Senators Act

The Australian Constitution provides that the States and the Commonwealth can both make laws in relation to the election of Senators for a particular State. South Australia has done so through the *Election of Senators Act*, and the Commonwealth has enacted provisions relating to the election of Senators for all States in the *Commonwealth Electoral Act*.

The Commonwealth amended the *Commonwealth Electoral Act* in 1998. Of particular relevance to South Australia was an amendment to the time period within which nominations must be made, which reduced both the minimum and the maximum periods by one day. There is thus an inconsistency between the Commonwealth and State provisions relating to the issuing of writs for Federal elections. The Bill will amend the *Election of Senators Act* to make that Act consistent with the Commonwealth Act.

Evidence Act

The *Evidence Act* currently allows certain diplomatic and consular staff to take affidavits overseas. However, this is limited to Ambassadors, officers of the Australian Department of Foreign Affairs and Trade and persons appointed as honorary consuls.

Thousands of documents are processed at overseas posts for Australian citizens and foreign nationals each year. This workload is increasing at a time when the number of diplomatic and consular staff sent to overseas posts from Australia is declining. The Commonwealth Minister for Foreign Affairs has proposed that in future much of this work be done by locally engaged staff at overseas posts.

There are approximately 100 staff at overseas posts who would be authorised to carry out this work. These staff are only employed following stringent security and criminal record checks. In many cases they have been employed by posts for a significant length of time and have substantial experience in procedures for taking of evidence, service of process and witnessing documents.

The *Consular Fees Act 1955 (Cth)* provides for the collection of fees for the performance of consular acts by authorised staff employed by the Commonwealth or the Australian Trade Commission. The Bill will amend the *Evidence Act* to enable such staff to take affidavits.

Expiation of Offences Act

Section 14 of the *Expiation of Offences Act* creates difficulties where enforcement orders are revoked more than six months after the commission of an offence. The Act provides that a notice cannot be given more than six months after the offence was alleged to have been committed. However, the Act provides that when an enforcement order is revoked because the applicant failed to receive a particular notice, then the applicant will be taken to have been given that notice on the day the enforcement order was revoked. Often, this will be more than six months after the commission of the offence; hence the notice will often be out of time.

The Bill will amend the *Expiation of Offences Act* to provide that where an enforcement order has been revoked, the time limits for issuing expiation notices and complaints subsequent to the order setting aside the enforcement proceedings should commence from the date that the order is made.

The Bill also incorporates the amendments contained in the *Expiation of Offences (Withdrawal of Notices) Amendment Bill 1999* introduced into the lower House by the Honourable Graham Gunn last year. Those provisions require the withdrawal of expiation notices by the issuing authority if the notices were received out of time or were never received by the alleged offender.

Magistrates Court Act

There are a number of minor issues relating to minor civil actions in the Magistrates Court and the review of such actions by the District Court.

A minor civil action is an action to recover an amount of $5000 or less, or a neighbourhood dispute, or one of a number of defined statutory proceedings. The hallmark of a minor claim is that it involves a small sum and accordingly the parties generally represent themselves, while the court conducts the hearing in a simplified, inquisitorial manner. The parties are not bound by the pleadings, nor the court by the rules of evidence. The court has a power to call witnesses as it sees fit. The case must be decided according to equity, good conscience and the substantial merits of the case, without regard to technicalities and forms.

Parties to minor civil actions generally may not be represented by legal practitioners at the hearing, although there are some exceptions to this rule. The object of this rule is to avoid a situation where the costs of the case outweigh the sum in dispute between the parties. Until recently, it was considered that this rule did not apply to the use of legal practitioners on interlocutory applications. However, this thinking has now been overturned by a District Court decision which found that the same rules regarding representation apply to interlocutory applications. The Bill will make it clear that legal representation is permitted on interlocutory applications.

The other side to this issue is representation on reviews of minor civil actions. Currently, the court takes the approach of permitting such representation. This is undesirable. It is contrary to the intention that the parties to minor civil actions should generally handle the case themselves without recourse to lawyers, so as to minimise the costs involved in disputes over small sums. The Bill will make it clear that the same rules apply to representation on review as apply at first instance.

The Act currently requires the District Court, when hearing a review, to make a final determination rather than remit the matter back to the Magistrates Court. However, there are some circumstances where the merits of the case have never been considered by the Magistrates Court. In those situations, it is inappropriate for the District Court to be required to make a final determination, which would involve a complete hearing of the case. The Bill will amend the Act to provide that the District Court may remit the case back to the Magistrates Court if the review deals with a default or summary judgement and the court determines that the judgement should be set aside.

Currently, an appeal lies in any action from the judgement of a single judge to the Full Supreme Court. It was never intended that this should apply to the review of a minor civil action. The Bill will therefore ensure that there is no appeal from a review of a minor civil action unless the District Court reserves a question of law for the consideration of the Court.

Real Property Act

The Bill will also amend the *Real Property Act* to provide for regulations to be made for the imposition of fees for enquiries and searches made in respect of information maintained by the Registrar-General under the *Real Property Act 1886* and other relevant legislation such as the *Community Titles Act 1996* and the *Strata Titles Act 1988*.

Since 1979, non-regulated or administrative fees approved by the relevant Minister have been imposed for most enquiries on the Land Ownership and Tenure (LOTS) System maintained by the Registrar-General. Developments in computer technology have also changed the way in which most searches are conducted. A person making an enquiry regarding a particular title will generally be provided with a printout of information held on a computer. Fees approved by the Minister are currently imposed for the provision of such printouts.

A difficulty has arisen because a member of the public has pointed to section 65 and argued that that section entitles him to access the computer register itself, rather than a printout of information contained in that register. Only one member of the public has sought such access to date. The Registrar-General has advised that, given the costs of providing members of the public with the facilities to directly access the computer register, (and section 65 would appear to entitle members of the public to have such access), the Act needs to be amended to ensure that the Registrar-General is able to charge a fee to cover the costs of providing such access, which the Registrar-General advises are large. The proposed amendment will enable a fee set by regulation to be charged for such access.

At the same time, the Government has decided to take the opportunity to provide a legislative footing for the imposition of other fees relating to the provision of information contained in the Register Book, or any document or information held by the Lands Titles Office under the Act.

The Government has also decided that, in future, such fees should be set by regulation, rather than by the relevant Minister. This will enable parliamentary scrutiny of the level of fees being set. New Part 14 will therefore amend the regulation making power under section 277 of the *Real Property Act* to provide that regulations may set fees

for searching the Register Book and other documents and information held by the Registrar-General, including where such searches are conducted electronically. The amendment will also provide for fees to be set for obtaining copies of material so searched.

Wills Act

In 1998, section 12(2) of the *Wills Act* was amended with the intention of addressing a concern prompted by an argument advanced in the case of *In the Estate of McCartney deceased*. Essentially, the Government's intention was to make it clear that an applicant seeking admission of a document to probate under section 12 must prove that the deceased intended the document to constitute his or her will, as well as proving that the document expressed the deceased's testamentary intentions. At the same time, section 12(3) of the *Wills Act* was amended. The amendment to section 12(3) was a drafting measure aimed at clarifying the wording of the section. However, in revising the wording, a broader concept of revoking a valid will by words or conduct was introduced.

Unfortunately, despite the best efforts of the Government and the members of this Parliament, the 1998 amendment to section 12(2) of the *Wills Act* does not achieve the original intention of Parliament. In addition, in spite of wide ranging consultation at the time in relation to the amendments, there has been recent criticism of the introduction of the broader concept of revocation of a will by words or conduct in section 12(3). It is clear from the Parliamentary debates that the potential impact of the broader concept was not fully appreciated at the time that the 1998 amendments were passed.

The Bill will ensure that the intentions behind the 1998 Act are finally achieved, and will remove the concept of revoking a will by words or conduct.

Repeal of the Australia Acts (Request) Act 1999

The *Australia Acts (Request) Act* was passed in order to provide an alternative to the method proposed by the Commonwealth to alter State Constitutional arrangements (the validity of that method having been questioned) and in order to enable the State to control amendments to is own constitutional arrangements in the even that the 'republic referendum' returned a 'Yes' vote. As that Commonwealth constitutional alteration was not approved by the referendum held on 6 November 1999, the South Australian Act will not come into operation.

The Solicitor-General has been consulted and considers that there is no particular advantage in leaving the Act on the statute books. The South Australian Act could be effective with regard to any future proposal to amend the constitution to establish a republic only if the South Australia and all other States introduced Bills either to amend their *Australia Acts (Request) Act 1999* (if it has not been repealed in the meantime) or to enact another similar *Australia Acts (Request) Act*.

It is understood that the Queensland Government intends to repeal its *Australia Acts (Request) Act*. Western Australia does not intend to repeal the equivalent Act. All other States remain undecided.

The Bill will repeal the *Australia Acts (Request) Act* to remove an unnecessary Act from the Statute Book.

I commend this Bill to Honourable Members.

EXPLANATION OF CLAUSES

PART 1: PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal. The commencement provision deems the GST-related amendments to the *Criminal Injuries Compensation Act* and the *ERD Court Act* to have come into operation on 1 July 2000.

Clause 3: Interpretation

This clause provides that a reference in the Bill 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 ASSOCIATIONS INCORPORATION ACT 1985

Clause 4: Amendment of s. 41—Winding up of incorporated association

This amendment upgrades the references to the provisions of the Corporations Law that are to apply in relation to the winding up of an incorporated association.

PART 3: AMENDMENT OF CORRECTIONAL SERVICES ACT 1982

Clause 5: Amendment of heading

It is proposed to amend the heading to Division 4 of Part 5 of the principal Act by striking out the words 'Escaping or' leaving the heading as 'Prisoners at Large'. The amended heading more accurately indicates the contents of the Division.

Clause 6: Amendment of s. 50—Effect of prisoner being at large

This amendment proposes to strike out section 50(1) which provides that any term of imprisonment to which a prisoner is sentenced for the offence of escaping, attempting to escape or otherwise being unlawfully at large will be cumulative on any other term of imprisonment to be served by the prisoner. This is a sentencing issue and would be better dealt with in the same provision that creates the offence of escape or removal from lawful custody (*see section 254 of the Criminal Law Consolidation Act 1935 and clause below*).

PART 4: AMENDMENT OF CRIMES AT SEA ACT 1998

Clause 7: Amendment of s. 2—Commencement

The principal Act is intended to give effect to a cooperative scheme for dealing with crimes at sea and, in due course, each of the States and the Commonwealth will enact consistent legislation to that end. South Australia was the first jurisdiction to enact the legislation, Victoria passed their Act in 1999 and the Commonwealth currently has a Bill before Parliament.

In this State, the principal Act was assented to on 10 September 1998 but has not yet been proclaimed to be in operation. Section 7(5) of the *Acts Interpretation Act 1915* provides that a provision of an Act that is to be brought into operation by proclamation will be taken to have come into operation on the second anniversary of the date on which the provision was assented to unless it has come into operation on an earlier date.

The law giving effect to a cooperative scheme should become operative in each of the jurisdictions party to the scheme simultaneously. The proposed amendment provides that section 7(5) of the *Acts Interpretation Act 1915* does not apply in relation to the commencement of the principal Act or any provision of the principal Act.

Clause 8: Insertion of new section

6A: Application of Act

New section 6A provides the principal Act and the cooperative scheme do not apply to an act or omission to which section 15 of the *Crimes (Aviation) Act 1991* (Cwth) as in force from time to time applies.

This amendment is required for consistency with the legislation of other parties to the scheme.

Clause 9: Amendment of s. 8—Repeal and transitional provision

This amendment is required for consistency with Victoria and the Commonwealth's legislation.

Clause 10: Amendment of Schedule—The Cooperative Scheme

The amendments to the Schedule are required to reflect the withdrawal of Norfolk Island from the cooperative scheme. They remove references to Norfolk Island.

PART 5: AMENDMENT OF CRIMINAL INJURIES COMPENSATION ACT 1978

Clause 11: Amendment of s. 10—Legal costs

Clause 11 amends section 10 of the principal Act to ensure that the GST payable in respect of legal costs can be recovered by the legal practitioner who is liable for the tax.

PART 6: AMENDMENT OF CRIMINAL LAW CONSOLIDATION ACT 1935

Clause 12: Amendment of s. 254—Escape or removal from lawful custody

Section 254 creates the offence of escaping, attempting to escape or remaining unlawfully at large from lawful custody.

The first amendment to section 254 is to remedy an obsolete reference.

The insertion of new subsection (2a) provides that a term of imprisonment to which a person is sentenced for the offence of escaping, attempting to escape or remaining unlawfully at large is cumulative on any other term of imprisonment or detention in a training centre that the person is liable to serve (*see comments made about clause above*).

PART 7: AMENDMENT OF CRIMINAL LAW (FORENSIC PROCEDURES) ACT 1998

Section 16(1)*(g)* of the principal Act provides that, before a person who is under suspicion consents to a forensic procedure, a police officer must explain to the person that, if information is obtained from carrying out a forensic procedure and the person is subsequently convicted of the suspected offence, or another offence by way of an alternative verdict, the information may be stored on a database.

Clause 13: Amendment of s. 29—Application of this Division

Clause 14: Amendment of s. 30—Order authorising taking of blood samples and fingerprints

Clause 15: Amendment of s. 49—Databases

These proposed amendments have the effect that sections 29, 30 and 49 apply not only where the offender is convicted of the suspected

offence but also where the offender is convicted of another offence by way of an alternative verdict—an approach consistent with that taken in section 16 of the principal Act.

Section 49(2) of the Act is also amended to clarify that DNA profiles can be stored on a database, whether the profiles were obtained during an investigation or subsequent to conviction.

PART 8: AMENDMENT OF CRIMINAL LAW (SENTENCING) ACT 1988

Clause 16: Amendment of s. 3—Interpretation

This clause proposes to insert definitions of conditional release (meaning conditional release from a training centre) and sale into the principal Act. The sale of property includes conversion of the property into money by any appropriate means.

Clause 17: Amendment of s. 31—Cumulative sentences

The proposed amendment provides that a sentence of imprisonment imposed (for an adult offence) on an offender who is serving a period of detention in a training centre or is on conditional release can be made cumulative on that detention. The current wording of section 31 of the principal Act has been held not to make provision for cumulative sentences in relation to adult persons serving periods of detention in training centres but only to persons serving periods of imprisonment.

Clause 18: Amendment of s. 32—Duty of court to fix or extend non-parole periods

The proposed amendment means that an adult person who commits an offence while on conditional release from detention in a training centre would be treated in a similar way by a court as a person committing an offence while on parole from imprisonment in relation to non-parole periods under this section. These amendments are consistent with those proposed in clause .

Clause 19: Amendment of s. 47—Special provisions relating to community service

The proposed amendments to section 47 are of a statute law revision nature.

Clause 20: Amendment of s. 56—Enforcement must be taken under this Part

The proposed amendment provides for community corrections officers to have standing to bring actions for the enforcement of a bond, community service order or other order of a non-pecuniary nature.

PART 9: AMENDMENT OF ELECTION OF SENATORS ACT 1903

Clause 21: Amendment of s. 2—Power to fix dates in relation to election

The Commonwealth has recently amended its electoral legislation to make a change in respect of the closing date for nominations for elections. The proposed amendment will ensure that South Australia is consistent with the Commonwealth.

PART 10: AMENDMENT OF ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT ACT 1993

Clause 22: Amendment of s. 44—Legal costs

This clause amends section 44 of the principal Act to ensure that the GST payable in respect of legal costs can be recovered by the legal practitioner who is liable for the tax.

PART 11: AMENDMENT OF EVIDENCE ACT 1929

Clause 23: Amendment of s. 66—Taking of affidavits out of the State

The amendment proposes to insert an additional paragraph into section 66 of the principal Act to allow an employee of the Commonwealth or Australian Trade Commission authorised under section 3 of the *Consular Fees Act 1955* (Cwth) to take an affidavit or oath in the place out of the State where that employee is.

PART 12: AMENDMENT OF EXPIATION OF OFFENCES ACT 1996

Clause 24: Amendment of s. 14—Enforcement orders are not subject to appeal but may be reviewed

Current section 14 of the principal Act (which provides for the setting aside of enforcement orders) creates difficulties where enforcement orders are revoked more than 6 months after the commission of an offence. The principal Act provides that a notice cannot be given more than 6 months after the offence was alleged to have been committed. However, it also provides that when an enforcement order is revoked because the applicant failed to receive a particular notice, the applicant will be taken to have been given that notice on the day the enforcement order was revoked. Often this will be more than 6 months after the commission of the offence and hence the notice will be out of time.

Section 14 is amended to include an extra ground for revocation of an enforcement order, i.e., the ground that the alleged offender sent the issuing authority a notice electing to be prosecuted, or naming some other person as the driver (in the case of certain motor vehicle offences), but the issuing authority did not receive it. New subsection (5) provides that if an enforcement order is revoked, all subsequent penalty enforcement orders that may have been made will also be taken to have been revoked. New subsection (5a) provides that, if an enforcement order is revoked on a ground set out in subsection (3)*(b), (c)* or new *(ca)*, then the alleged offender is deemed to have been given a fresh expiation notice on the day of revocation, provided that it is still within the period of 12 months from the commission of the offence. This means that the time for commencing a prosecution for the offence will start to run again.

Clause 25: Amendment of s. 16—Withdrawal of expiation notices

This clause encompasses the provisions of the Hon. Graham Gunn's Bill and provides for a number of subsections to be inserted after current section 16(5). New subsection (6) provides that the issuing authority must withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or that the alleged offender has never received the notice, as a result of error on the part of the authority or failure of the postal system.

An expiation notice cannot be withdrawn under new subsection (6) if the alleged offender has paid the expiation fee or any instalment or other amount due under the notice.

New subsection (8) provides that if an expiation notice is withdrawn under new subsection (6)—

- the issuing authority must, if a certificate has been sent to the Court under section 13 for enforcement of the notice, inform the Court of the withdrawal of the notice; and
- any enforcement order made under the principal Act in respect of the notice and all subsequent orders made under Division 3 of Part 9 of the *Criminal Law (Sentencing) Act 1988* will be taken to have been revoked; and
- the issuing authority may, if the period of 1 year from the date of commission of the alleged offence, or offences, to which the notice related has not expired, give a fresh expiation notice to the alleged offender; and
- the issuing authority cannot prosecute the alleged offender for an alleged offence to which the withdrawn notice related unless the alleged offender has been given a fresh expiation notice and allowed the opportunity to expiate the offence; and
- the time within which a prosecution can be commenced for an alleged offence to which the fresh expiation notice relates will be taken to run from the day on which the alleged offender is given that notice, despite the fact that the time for commencement of the prosecution may have already otherwise expired.

PART 13: AMENDMENT OF MAGISTRATES COURT ACT 1991

Clause 26: Amendment of s. 38—Minor civil actions

Section 38 of the principal Act sets out the principles that are applicable to the trial of a minor civil action.

The first proposed amendment to this section provides the Magistrates Court with the discretion to permit representation of a party by a legal practitioner at the hearing of an interlocutory application.

Proposed new subsections (6) to (9) make it clear that, on the review of a minor civil action by a single Judge of the District Court, the same rules as to representation of a party to the action by a legal practitioner apply as at first instance. The Judge may, in determining the review affirm the judgment or rescind the judgment and substitute a judgment that the Judge considers appropriate.

The Judge may remit the matter to the Magistrates Court for hearing or further hearing if the review arises from a default, or summary, judgment. A decision of the District Court on a review is final and not subject to appeal (although a question of law in a review may be referred to the Supreme Court for determination).

PART 14: AMENDMENT OF REAL PROPERTY ACT 1886

Clause 27: Amendment of s. 277—Regulations

This clause provides that regulations may fix fees and charges for LTO searches and for obtaining copies of searches.

PART 15: AMENDMENT OF WILLS ACT 1936

Clause 28: Amendment of s. 12—Validity of will

This clause amends section 12 of the principal Act to make it clear that an 'informal will' must express testamentary intentions of a deceased person and must also be intended by the deceased person to be his or her will before it can be admitted to probate. New subsection (3) ensures that the informal revocation of a will must be by means of a written document and not by spoken words or conduct.

Clause 29: Amendment of s. 22—In what cases wills may be revoked

This clause makes a consequential change.

PART 16: AMENDMENT OF YOUNG OFFENDERS ACT 1993

Clause 30: Amendment of s. 63B—Application of Correctional Services Act 1982 to youth with non-parole period

The proposed amendment provides that Part 6 Division 3 (release on parole) of the *Correctional Services Act 1982* applies to and in relation to a youth serving a non-parole period in a training centre as if the youth were a prisoner in a prison. This amendment is consequential on the amendments to the *Criminal Law (Sentencing) Act* contained in this Bill.

PART 17: REPEAL OF AUSTRALIA ACTS (REQUEST) ACT 1999

Clause 31: Repeal of Australia Acts (Request) Act 1999

The principal Act must be repealed as it cannot come into force because of the return of a 'no' vote by the Australian people in the referendum on the establishment of a republic.

Mr HILL secured the adjournment of the debate.

STATUTES AMENDMENT AND REPEAL (SECURITY AND ORDER AT COURTS AND OTHER PLACES) BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Environment and Heritage): 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.

On Thursday, September 9, 1999, Wayne Noel Maddeford was listed to appear for sentence on a charge of armed robbery and a charge of assault with intent to resist arrest before Judge David of the District Court sitting in a court room in the Way Building. Maddeford was on bail pending sentence and, on surrendering his bail, was requested to enter the holding cell area to be searched. He declined to do so and assistance was summoned. Before that assistance could be employed to search the prisoner, Judge David entered the court room and began to deliver sentence. When Judge David indicated that he would impose a sentence of immediate imprisonment and completed his remarks, Maddeford vaulted from the dock, produced a knife and appeared intent on getting to the Judge. Maddeford stumbled, grabbed a court reporter who happened to be close by, and held her hostage, threatening to kill her. Maddeford finally surrendered about 4 hours later.

The Sheriff, as the court officer responsible for the security of all persons within court precincts, has compiled a comprehensive report on the incident. The Sheriff has found that the incident was the result of two factors. First, Maddeford entered the dock before the court had convened and second, Maddeford was not searched prior to sentence being passed upon him.

Since the incident, the Sheriff, with the support of the Chief Justice and the State Court Administrator, has put into place more thorough security arrangements. The principal features of the new arrangements are that searches have been implemented at the entrances to court premises at the Sir Samuel Way Building, Adelaide Magistrates Court, Adelaide Youth Court, and the Elizabeth and Port Adelaide Magistrates Courts. The entry searches consist of an 'airport style' walk through metal detector, an x-ray scanning device for baggage and a hand held metal detector and body pat down procedure where indicated. Hand held metal detector searches have been put in place at the Holden Hill and Christies Beach magistrates Courts. The Courts Administration Authority wants to extend these procedures and make them comprehensive.

However, the current legislation does not clearly give the Sheriff the legal authority to search people in this way. Certainly, the rules of what is and what is not allowable have not been before the Parliament and spelled out in legislation so that everyone may know their rights and obligations. The issues are complicated by the notion, firmly established by the highest of authorities, that there is a principle of open justice at common law, whereby the public is entitled, in the absence of any rule to the contrary, to attend a court hearing and see and hear justice done. There is no statutory authority for subjecting any person to a search at the entrance to a court building as a condition for the exercise of that right. It may be that the inherent power of the court suffices for the security arrangements to be carried out. But the matter should be addressed by Parliament and the rules publicly debated and put into place.

That is what has happened interstate. As a matter of practice, court security is governed by statute in the Victorian *Court Security Act*, 1980; the Queensland *Law Courts and State Buildings Protective Security Act*, 1983 as amended by the *Law Courts and State Buildings Protective Security Amendment Act*, 1998; the Northern Territory *Court Security Act*, 1998; the Tasmanian *Admission to Courts Regulations*, 1995; and, in process, the Western Australian *Court Security and Custodial Services Bill*, 1998. Each is different and there is no great display of commonality of treatment, although there is a degree of commonality of result, generally speaking.

There are a large number of issues that must be addressed in framing such legislation. That is in itself a reason for taking the issues through the Parliamentary process. The issues are discussed in some generality in the discussion which follows.

The legislation deals with security in relation to 'participating bodies'. 'Participating bodies' are defined to mean the courts that are participating courts within the meaning of the *Courts Administration Act* 1993, and any other body declared by regulation. The provision for declaration by regulation is to enable the addition of other bodies for whom the Sheriff may be responsible for security. An example might be an ad hoc body such as a Royal Commission.

Responsibility for court security in 'participating bodies' is now vested in the Sheriff and that will continue to be the case. As a result, court security matters fall under the aegis of the *Sheriff's Act 1978*. The powers of Sheriff's officers, particularly court orderlies are also partly contained in the *Law Courts (Maintenance of Order) Act* 1928 and it is convenient that the latter should be repealed and the law on the subject should be merged into the same statute. The *Law Courts (Maintenance of Order) Act* 1928 is the product of a different age enacted for different purposes and has outlived its utility as a separate instrument.

The Sheriff should be able to exercise his powers through persons appointed by him. These persons may or may not be persons appointed under the *Courts Administration Act* 1993. The Sheriff is responsible to the principal judicial officer of the relevant court or other body in relation to the general level of security in and around the court or other body for which that person has responsibility.

The Bill is then set out as follows. Division 2, containing proposed section 9D, sets out the general powers of security officers. Division 3, containing section 9E, contains the powers of search required as a result of the hostage taking incident. Division 4 contains some consequential matters which will be explored in more detail below and then some miscellaneous amendments are made.

So far as general powers are concerned, there is first a general power granted to court security officers to give reasonable directions to those who are on or within the precincts of court premises for the purposes of maintaining or restoring court security or securing the safety of persons attending court. This power includes the power to refuse entry to or expel a person from court premises where that course of action is reasonably necessary for the maintenance of court security or order in court premises. It will occur, in particular, when a person refuses to comply with the reasonable directions of a court security officer. Reasonable force is authorised for the purpose.

Second, there is a sequence of conditions under which a security officer may take another person into custody in various ways. They include cases in which a person refuses to comply with the officer's lawful directions, a person is behaving in an unlawful manner, a person is being brought into court in custody, where the person is on bail but the bail is revoked, where a person surrenders into lawful custody, where a person has escaped lawful custody or appears to have escaped, and where the security officer is ordered to take steps by the presiding officer to take a person into custody or to restrain a person appearing before the court. In cases of escaped prisoners, the power is one of arrest. In the case of unlawful behaviour, the security officer is given a discretion to exclude the person from the premises or to detain the person until he or she can be surrendered to the police (as the case may require). In other cases, the officer keeps a person in custody for the purposes of the court itself.

Third, the section contains a power to seek information reasonably required for the purposes of determining whether a person is entitled to attend particular proceedings. A security officer may exclude a person from the proceedings if the person refuses to provide relevant information or if there are reasonable grounds to suspect that the person is not entitled to attend the proceedings.

So far as the power to search is concerned, the key to the structure of the rights and obligations conferred by the section is the distinction made by the section between those who are obliged to attend the court or other body for any reason and those who are not so obliged. In relation to those who are not obliged to attend, the policy objective of the section is that the right to attend court and other participating bodies is to be subject to the search regime set out in the section by consent. If the person does not consent, the security officer is entitled to exclude the person from the premises of the court or other body using such force as is reasonable in the circumstances. Put another way, a person not obliged to attend the court is not obliged to be searched. He or she has a choice in the matter.

The situation is different where a person is obliged to attend court. In such a case, excluding the person from the court would both frustrate the business of the courts and provide people with an excuse for not complying with their legal obligations. In such a case, therefore, in the interests of court security, a person obliged to attend court is also obliged to be searched as set out in the proposed section as a part of that legal obligation. For this purpose, the Bill provides a definition of a person obliged to attend court, and a statement that a person obliged to attend court is not excused from that obligation or any other requirement or undertaking because he or she has been lawfully removed from or denied access to court premises. It also allows a security officer to require a person to state whether he or she is required to attend the court and, if there is a refusal, deems that person to be required to attend.

In either case, the Bill provides a regime for the manner and conduct of the search at the entry to court premises. The Bill proposes to allow the non-contact search of the person in the first instance by a scanning device and the search of belongings either by a scanning device or physically. One might describe this regime as 'airport' type security. This is, of course, a power of random search in the sense that there need be no grounds for believing that the person to be searched has anything which might be a security risk on or about his or her person. Where there are reasonable grounds for believing that there is a security risk item in the possession of the person, the Bill proposes a power to require that the item be produced and for a more thorough physical search of the person. By contrast, where a person is required by law to attend court, that more thorough physical search may be conducted if necessary without the requirement that there being reasonable grounds to do so.

It should be noted that there are some protections built into the Bill. These are that the search must be carried out expeditiously and in a manner that avoids undue humiliation of the person, and, in relation to a physical search, a person cannot be required to remove inner clothing or underwear, nothing may be introduced into an orifice of the person being searched and, where practicable, there should be at least two persons present and the search should be conducted by a person of the same sex as the person being searched. In addition, a physical search should be conducted in a manner that, so far as is practicable, respects the cultural values or religious beliefs of the person being searched.

The Bill also provides for the familiar mechanism of enabling court security to require that an item that falls within the definition of a restricted item be lodged with court security for safe keeping while the person is on court premises to be returned, when the person leaves. If the item is one which it is unlawful to possess, such as illicit drugs or an illicit weapon, court security is given the power to detain the person or the item to be handed over to the police as soon as reasonably practicable or both.

There are three further matters which should be mentioned. First, the Bill proposes a series of amendments to the *Ombudsman Act* 1972 which are designed to give the Ombudsman a jurisdiction to hear complaints in relation to the exercise of the powers by the sheriff and sheriff's officers. This is done because, where significant powers are given over the freedom and liberty of the subject, it has been the generally accepted rule for many years now that there should be a body, external to that exercising the powers, to which a citizen should be able to go in order to get an independent examination of any complaint that he or she might make.

Second, the Bill proposes amending the *Courts Administration Act* 1993 so as to enable the State Courts Administration Council to delegate its authority under the Sheriff's Act as it is proposed to be amended in this Bill in relation to the provision of court security to the Sheriff.

Third, the Bill proposes a widening of the power to make regulations on the recommendation of the State Courts Administration Council in order to provide scope for detailed rule making about court security should the need arise.

I commend this bill to honourable members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2

AMENDMENT OF SHERIFF'S ACT 1978

Clause 4: Substitution of long title

The long title is altered to reflect the inclusion in the Act of duties and powers relating to security and order at courts and other places.

Clause 5: Insertion of Part 1 heading

This measure divides the Act into Parts to assist in organisation of the new material proposed to be added to the Act.

Clause 6: Amendment of s. 4—Interpretation

The amendments—

- add the Youth Court to the definition of court;
  (Sections 7 (Provision for case where sheriff should not execute process), 8 (Duties of the sheriff) and 9 (Sheriff to attend at sittings) will apply in relation to the Youth Court as well as the Supreme Court, District Court, Environment Resources and Development Court and Magistrates Court.)
- insert definitions relevant to proposed Part 3 dealing with security and order at courts and other places.

Clause 7: Insertion of Part 2 heading

Provisions dealing with matters of administration relating to the office of the sheriff and to the appointment of officers are designated as Part 2 of the Act.

Clause 8: Amendment of s. 6—Deputy sheriffs and sheriff's officers

Currently section 6 envisages that sheriff's officers (other than members of staff of the State Courts Administration Council) will receive the fees prescribed by regulation. These fees relate to various matters of execution of process.

Under the proposal section 6 may be used for appointing not only officers to execute process but also officers to act as security officers. Consequently, there needs to be a greater level of flexibility for determining the remuneration and other terms and conditions of appointment of the officers.

The amendment provides that those sheriff's officers who are not members of staff of the State Courts Administration Council will be appointed on terms and conditions approved by the Council.

Clause 9: Amendment of s. 9—Sheriff to attend at sittings

Section 9 of the principal Act is amended so that the sheriff is required to have an officer attend any criminal session of a court (as defined—see the explanation to clause 6).

Clause 10: Insertion of Part 3—Security and Order at Courts and Other Places

A new Part is inserted dealing with the sheriff's duties in relation to security and order at courts and other places.

DIVISION 1—ADMINISTRATION

9A. Sheriff's responsibilities

This section sets out the general responsibility of the sheriff in relation to the maintenance of security and orderly conduct at the premises of participating bodies.

A participating body is a participating court within the meaning of the *Courts Administration Act 1993* or a person or body declared by regulation to be a participating body.

Currently the participating courts under the *Courts Administration Act 1993* are as follows:

- the Supreme Court;
- the District Court;
- the Environment, Resources and Development Court;
- the Industrial Relations Court of South Australia;
- the Youth Court of South Australia;
- the Magistrates Court;
- coroners' courts;
- Court of Disputed Returns established under the *Local Government (Elections) Act 1999*;
- Warden's Court;
- Dental Professional Conduct Tribunal;
- Equal Opportunity Tribunal;
- Legal Practitioners Disciplinary Tribunal;
- Medical Practitioners Professional Conduct Tribunal;
- Pastoral Land Appeal Tribunal;
- Police Disciplinary Tribunal;
- Soil Conservation Appeal Tribunal.

9B. Security officers

This section provides for appointment by the sheriff of sheriff's officers as security officers.

9C. Identification of security officers

This section requires a security officer to be issued with an identity card (which may employ a system of identification using a code rather than a name) and to produce the card for inspection at the request of a person in relation to whom the officer intends to exercise powers.

9CA. Arrangements under which police officers may exercise powers of security officers

This section enables the sheriff to enter into an arrangement with the Commissioner of Police under which police officers may be authorised to exercise the powers of security officers on a temporary basis.

DIVISION 2—GENERAL POWERS

9D. General powers

This section sets out the general powers that may be exercised by security officers. The provision is based on the powers and functions of court orderlies under the *Law Courts (Maintenance of Order) Act 1928* (proposed to be repealed by this measure).

The powers are—

- to give a person on or within the precincts of the premises of a participating body reasonable directions for the purposes of maintaining or restoring security or orderly conduct at the premises or for securing the safety of any person arriving at, attending or departing from the premises (subsection (1)*(a)*);

  (It is an offence not to comply with a direction—see subsection (2).)
- to deal with a person who refuses to comply with such a direction or who is behaving in an unlawful manner by refusing entry to or removing the person or by handing the person over into the custody of a police officer (subsection (1)*(b)*);
- powers related to persons in or to be taken into lawful custody (subsection (1)*(c)* to *(e)*);
- to arrest an escapee (subsection (1)*(f)*);
- to act at the direction of a participating body in relation to security or orderly conduct of proceedings (subsection (1)*(g)*);
- to exclude persons not entitled to attend particular proceedings and to seek information for the purpose of determining a person's entitlement to attend (subsection (1)*(h)*).

DIVISION 3—POWERS OF SEARCH

9E. Conduct of search for restricted items

This section sets out the powers of security officers to conduct searches of persons on or about to enter the premises of a participating body. The reference to premises extends to any place exclusively occupied by a participating body in connection with its operations (whether on a permanent or temporary basis).

The searches are conducted for the purposes of finding restricted items. A restricted item is defined as—

- an explosive, an explosive device or an incendiary device;
- a dangerous article, firearm, offensive weapon or prohibited weapon, in each case within the meaning of section 15 of the *Summary Offences Act 1953*;
- an item that a person is prohibited from using or possessing while on the premises (or a particular part of the premises) of a participating body by rules of the body or by direction of the body or a member of the body given generally or in a specific case;
- any other item that is reasonably capable of being used to jeopardise the security of persons or property or the orderly conduct of proceedings.

A security officer is entitled to ask any person on or about to enter the premises whether the person is required by law to attend the premises (see subsection (1)*(b)*). If a person is required to attend, additional searching powers are available. If a person refuses to answer, the security officer may regard the person as being required by law to attend (see subsection (7)).

New section 4(2) provides that, for the purposes of the measure, a person is required by law to attend the premises of a participating body if, and only if—

- the person is brought to the premises in lawful custody; or
- the person attends the premises as required by the terms or conditions of a bail agreement; or
- the person attends the premises in obedience to an order, summons, subpoena, or any other process having the same effect as a summons or subpoena, made or issued by the participating body or a member or officer of the participating body;
- the person attends the premises in obedience to a summons under the *Juries Act 1927*.

Under subsection (1)*(a)* security officers may carry out searches of persons and possessions by means of scanning devices and physical searches of possessions in the ordinary course of their duties.

Under subsection(1)*(b)* and *(c)*, a person may be frisked by a security officer but only if the person is required by law to attend or there are reasonable grounds for suspecting that a restricted item is in the clothing or on the body of the person. A person may be asked to remove outer clothing but not inner clothing for the purposes of such a search. A person may be asked to open his or her mouth but force cannot be applied for that purpose nor anything removed except by or under the supervision of a doctor. Except in circumstances where it is not practicable, a witness must be present and the search must be carried out by an officer of the same sex as the person being searched. The search must be carried out expeditiously and in a manner that avoids undue humiliation of the person and, as far as reasonably practicable, avoids offending cultural values or religious beliefs genuinely held by the person.

The power of search is provided in a manner that avoids the need for security officers to require people attending court to identify themselves.

If a person refuses to be searched, they may be refused entry to or removed from the premises. In doing so, a security officer may use only such force as is reasonably necessary for the purpose. If the person is required by law to attend, a security officer may apply reasonable force to secure compliance with the search requirements.

DIVISION 4—MISCELLANEOUS

9F. Dealing with restricted and other items

This section sets out what a security officer may do with items found in the possession of a person who is on or about to enter the premises of a participating body. The section will apply whether or not the item is found in the course of a search conducted under Division 3.

The items covered are restricted items, items that an officer believes on reasonable grounds to be restricted items and items that an officer believes on reasonable grounds to be in the unlawful possession of a person.

The options open to a security officer are—

- to refuse the person entry to or remove the person from the premises, using only such force as is reasonably necessary for the purpose;
- if the officer believes on reasonable grounds that the person is in unlawful possession of the item—to cause the person and the item to be handed over into the custody of a police officer;
- to require the person to surrender the item;
- if a person who is required by law to attend the premises refuses to comply with a requirement to surrender an item—to apply reasonable force to remove the item from the person's possession.

Any item surrendered or removed is to be held in safe keeping while the person is on the premises or, if the item is believed to have been in the unlawful possession of a person, handed over into the custody of a police officer.

9G. Security officer may act on reasonable belief that person required by law to attend premises

This section ensures that a security officer acts lawfully in exercising powers if the officer believes on reasonable grounds that a person is required by law to attend the premises of a participating body.

9H. Refusal of entry to or removal from premises is no excuse for non-attendance

This section provides that the fact that a person is lawfully refused entry to, or removed from, premises or a part of premises under this Part is not, for the purposes of any Act or law, an excuse for non-compliance with a requirement or undertaking to attend the premises.

Clause 11: Insertion of Part 4 heading

This amendment is consequential on the proposed division of the Act into Parts.

Clause 12: Substitution of s. 10

Section 10 is updated so that it applies the procedure on arrest in relation to all participating bodies.

Clause 13: Amendment of s. 11

These amendments are consequential and ensure that the offence of hindering extends to the exercise of powers by a security officer and the offence of false representation extends to representation as a security officer.

Clause 14:Insertion of s. 15A—Non-derogation

The new section provides that nothing in the Act derogates from the powers of the sheriff or a participating body under any other Act or law.

Clause 15: Amendment of s. 16—Regulations

Section 16 is amended to provide general regulation making power as regulations are contemplated by provisions inserted by this measure. Regulations are to be made on the recommendation of the State Courts Administration Council. The one exception is the existing power to make regulations prescribing fees payable to the sheriff in relation to the sheriff's duties.

Clause 16: Statute law revision amendments

Amendments of this nature are set out in the Schedule.

PART 3

AMENDMENT OF COURTS ADMINISTRATION ACT 1993

Clause 17: Amendment of s. 12—Delegation

This amendment simply ensures that the State Courts Administration Council may delegate powers that it has under Acts other than the Courts Administration Act. Under the amendments to the Sheriff's Act the Council is given power to approve terms and conditions of appointment of sheriff's officers who are not members of the staff of the Council.

PART 4

AMENDMENT OF OMBUDSMAN ACT 1972

Clause 18: Amendment of s. 3—Interpretation

Administrative act is currently defined so as to exclude an act related to the execution of judicial process. This exclusion is removed so that the exercise of powers by sheriff's officers in relation to the execution of process will be subject to the Ombudsman's scheme. The exclusion of an act done in the discharge of a judicial authority remains.

The sheriff is included as an authority to which the Act will apply.

Subsection (2) is altered so that it is clear that the sheriff will be responsible for the acts of deputy sheriffs and sheriff's officers.

Clause 19: Amendment of s. 9—Delegation

The opportunity is taken to ensure that powers given to the Ombudsman under other Acts may be delegated.

Clause 20: Amendment of s. 19A—Ombudsman may issue direction in relation to administrative act

Section 19A allows the Ombudsman to direct an agency to refrain from performing an administrative act for a specified period. Since this would be inappropriate in relation to the execution of judicial process or the exercise of other duties of the sheriff, the amendment provides that the section does not apply in relation to the sheriff.

Clause 21: Amendment of s. 25—Proceedings on the completion of an investigation

The amendment requires a copy of any report of the Ombudsman in relation to the sheriff to be given to the State Courts Administration Council as well as to the Minister.

Clause 22: Amendment of s. 30—Immunity from liability

The opportunity is taken to extend the immunity provision to acts carried out under other Acts.

PART 5

REPEAL OF LAW COURTS (MAINTENANCE OF ORDER) ACT 1928

Clause 23: Repeal

The Act is repealed.

Clause 24: Transitional provision

The transitional provisions deal with ensuring that court orderlies remain in employment as sheriff's officers.

SCHEDULE

Statute Law Revision Amendments of Sheriff's Act 1978

Mr HILL secured the adjournment of the debate.

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

The Legislative Council insisted on its amendments to which the House of Assembly had disagreed.

Consideration in committee.

The Hon. M.K. BRINDAL: I move:

That disagreement to the amendments be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Brindal, Hill, Koutsantonis, McEwen and Williams.

GROUND WATER (QUALCO-SUNLANDS) CONTROL BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 1317.)

Mr HILL (Kaurna): I indicate that the opposition will support this legislation. This interesting and novel socialist measure that the government is introducing is a way of collectivising irrigators in this section of the Riverland and ensuring that their practices are conducted in a way that minimises damage to the river. In fact, the trust that will be established will reduce the amount of salt going into the river by some 6 EC units. So, there is a net benefit not only to the irrigators themselves but also to the state. The trust will be funded jointly between the commonwealth and state contributions, and the irrigators themselves. The state and federal governments are paying about 55 per cent of the total cost, and the irrigators are paying 45 per cent. The capital upfront costs will be paid jointly by the National Heritage Trust, which is putting in about $3.5 million, and the state contribution, partly through state NHT contributions and partly through the local water catchment authority, of about $3.5 million. The ongoing costs will be paid for by the irrigators themselves through the trust of about $260 000 a year, which I understand will be indexed over the course of 30 years.

It is a sensible measure. One hopes that it will ensure sustainability of the irrigation businesses along the Qualco-Sunlands area and, as well, ensure an environmental benefit to the tune of about 6 EC units per year. I do not intend to say a lot about this bill, although I would like to ask some questions during committee. In particular, I am curious to know what effect not all the irrigators in that district participating in the trust may have on the operations of the trust and also on the environment. I am also curious to know what happens to the various obligations should the trust fall over at some subsequent time. I have a number of questions about the technicalities of the trust. It is a very complex bill, with some 58 pages of clauses, although I will not be asking three questions on each of those clauses. I will not take up the time of the House for the next seven or eight hours—or seven or eight days—but it is a very long bill to consider and I do have some questions to ask. As I said, the opposition will support the legislation.

Mrs MAYWALD (Chaffey): I rise to support the government on this bill. This has been an initiative of the state government to actually address a specific problem in an area of the Riverland, just east of Waikerie. I commend the

state government not only for the contribution it is making towards the funding of the capital works of this project but also for the patience which the government, government departments, Crown Solicitor's officers, project officers and the community have shown in coming to a resolution on the cost-sharing benefits of this scheme.

This is ground breaking legislation, which will possibly be used as a model for future schemes such as this one and, as a consequence, it was a difficult piece of legislation for the community and the agency to agree on. However, after many years, and consultation until the cows came home, we finally arrive at this place with a piece of legislation that in general has broad community and government support. It is a project worth $7.2 million in up-front capital works. It is a project that has been funded 50 per cent by NHT and 50 per cent by state contributions in capital works up front. That also includes a contribution from the River Murray Water Catchment Management Board of $1.152 million—a significant contribution.

The Qualco-Sunlands district comprises about 2 700 hectares of irrigated land and has the potential to expand to 4 000 hectares. It plays an important role in the horticultural industry in the Riverland and is located in the Murray Darling Basin. As a result of 40 years of irrigation in that area, we have seen a ground water perched mound develop underneath the irrigation area, and this has created problems not only for irrigators and on-land and on-farm problems but also in the pressure that it is incurring in forcing the salt water from the underground ground water table out into the river.

There are a variety of benefits not only to the state but also to local irrigators, and that is why the cost sharing of this scheme was so vitally important. There is a modelled benefit of about 6 ECs to the river in relation to salt loads at that point of the river. This in itself is significant, but there is also a benefit to the community and as such the cost sharing basis that has been agreed upon is that the government will actually fund the scheme up front and the growers and irrigators in the area will fund the maintenance and operation of the scheme for 30 years.

It has been a long, hard road to get to this point, but it is fantastic to see that we are at a stage where a partnership has been agreed and this legislation is now before the House. We see the potential for economic growth in the region as a result of this scheme, and irrigators can now go forward knowing that the impact they are having on the river has been greatly reduced and that the management of their on-farm practices and the irrigation in that area will significantly impact on the costs associated with their pumping the water from underneath the ground. So, there is an incentive for the growers to improve their irrigation to reduce the cost to themselves, and this is a positive way of addressing such issues.

I commend the legislation to the House and also commend the community and all those who have been involved in negotiating and bringing this scheme to fruition. I particularly mention the committee that has worked in conjunction with the project manager in the departments. They have laboured for hours over legislation, proposals and proposed amendments to get to this stage, and the community has put in an enormous effort, as have the departments and the project managers and their office. Without any further ado, I commend the legislation to the House.

Mr LEWIS (Hammond): This piece of legislation sets out to address the problems that have arisen in consequence of irrigation practices which were, at the time they were introduced, thought to be efficient but which have been discovered in the fullness of time to be both inefficient and unsustainable. I well remember when I first suggested to the Department of Agriculture, as it was then known in 1967, that in due course the problems to which such campaigners as Jack Seekamp had been drawing attention for several years with respect to salinity build-up, particularly through the development of ground water mounds under irrigation areas, could have been solved or at least ameliorated had the irrigation systems in use been altered. At that time the vast majority of the Riverland was being irrigated by furrows or flood bays.

It was thought that the use of new, low-application rate sprinklers, which then led to the development of low-projectory, under-tree, low-application-rate sprinklers was even better than the typhoon sprinklers developed by Simpson Pope in conjunction with the Adelaide University and Bob Culver. The changes that were made, whilst low in cost per unit area, were not sustainable in the long term. No requirement was imposed on the irrigation controlling authority, whether that authority was the grower who owned the block or someone to whom that grower in, say, Sunlands or Qualco in particular delegated their authority as group managers, or indeed a government irrigation trust; the water was simply applied regardless of the weather. If it rained an inch last night and your block was in line for an irrigation, almost without exception you still had to take the water. As inane, inefficient and idiotic in effect as it was, that was nonetheless the practice.

Mr Hill interjecting:

Mr LEWIS: Yes, pretty much—sad, but true. I agree with the member for Kaurna that something better needs to be done around the metropolitan area's parks and gardens, in particular in the Adelaide city area, to take back control of the automatic sprinkler systems which spray out water all over the place, regardless of whether it has been raining, is raining or not and regardless of whether the water is needed. It is simply programmed and done. There are better ways of doing it, and they need not be labour intensive. They can be controlled by sensory devices that determine when soil moisture levels are so low as to warrant the application of more water, and those same soil water sensory devices determine how much water needs to be applied and therefore how long the irrigation system in question needs to operate.

In particular, back in the Riverland, where we were seeing these irrigation practices persisting without regard for the consequences, we have learnt to our cost now that we could have used what I was advocating ought to have been used then, namely, trickle irrigation or, as some members may otherwise know it, drip irrigation. That had been tested in lysimeters and I have told the House about my own work in that regard previously and the work I saw being done and assisted with both in Ascot Vale and Scoresby in Victoria, as well as in the UK at Reading and more particularly in the Negev Desert in Israel. However, it takes a long time to ring in those changes, in consequence of which we not only created the problem but also compounded it to the point where we were going to drown the very districts in which the crops were being grown and, by that means, drown the revenue base of the people who live there—the incomes they needed for themselves, their families and communities—if we did not begin to remove the ground water which had accumulated and which was otherwise then beginning to destroy the very river itself from which it had been originally drawn, as well as to destroy the plantations to which it was

being applied. It was as though we had not seen that lesson before. But we had. We had seen the consequences of unsustainable irrigation practices and the limited vision of what happens when inappropriate soil types are used in inappropriate locations.

In the Murrumbidgee irrigation area in the 1920s, thousands of acres of irrigated land was lost because of the build-up of the ground water table and the endemic spread throughout the region of phytophthora (root rot). We have only to look at the lessons of history, even as recorded in the Bible, and in more recent times what has been discovered about the consequences of excessive application rates of irrigation water to areas of land in a way which was unsuitable in Mesopotamia, what it did in Babylon, and so on. No-one seems to know when sufficient is enough until there has been too much. I lament the fact that we always take action later than would have been desirable—sometimes too late to save some people and to save some of our more valuable resources. We have wasted the water, we have wasted the ground, and we have created a problem that will be there for hundreds upon hundreds of years if we get it right from now on.

An honourable member interjecting:

Mr LEWIS: Well, I am not trying to be holier than thou. I am just asking members to remember this instance. I commend those advisers, particularly people such as Jim Zissopoulos who had a great deal to do with the kind of work to which the member for Chaffey alluded in the course of her remarks; and other men and women who came before the parliamentary Public Works Committee and gave evidence in support of the proposal. I commend them for what they have done, and I commend them, too, for the manner in which they have set out to explain it to the public so that the public can more easily understand it from now on. Even though it might cost more now to put on the water than it used to, it means you will be able to go on doing it for a very long time, if not in perpetuity. We are paying now more than we otherwise would have paid if we had changed those bad practices a long time ago: we are paying because we have to do what this bill authorises us to do as a government and what the Public Works Committee has found is necessary. We are doing it at the cost of taxpayers: 50 per cent contribution from the commonwealth and 50 per cent from this state government. That is why it is, in part, in this House; 50 per cent is being contributed through the mechanism of the Murray River Catchment Water Management Board.

Natural Heritage Trust funds are very welcome but, I repeat, it is sad that it had to come to this. It could have been avoided. I hope that, in future, engineering analysis of the long-term consequences will be undertaken and that there will be a separation of rhetoric from fact in the decision making process; and that there will be a separation of reliance upon gut feelings from reliance on good science in determining what can be and what cannot be, what might be and what should not be.

I want to say one other thing, that is, the less water we use higher up the river, the less damage there will be to that river and our ability as a society to continue to make use of the freshwater it contains. To put it another way, the greater the amount of water we allow to run down the river systems, and the farther down the river systems it goes before it is used for irrigation, the greater will be the length of time over which we can make use of it and the less will be the costs to us as a society and to each individual operator of our use of that water, because the closer we get to the sea the less risk there is of the damage that the inappropriate application of that water can do by mobilising the salt which is inherently in the subsoil strata in much of the Murray Basin. We all know that basin was under the sea for a very long time. The salt is therefore in the soil that is left as the land has lifted relative to the sea level and no longer in the sea, as we know.

It is for that reason that I connect to these remarks the necessity for us to continue to pursue the policy with all vigour and haste of securing and metering the diversions so that when they are metered they become part of what is permissible for land owners and irrigators to sell to other people who could use it; so that the licence can be transferred from one place where it is not likely to be sustainable in the long haul to another place where it certainly will be sustainable for a long time and in all probability generate far greater revenue for the society and far better profits for each person engaged in the use of the water for those irrigation purposes.

It just so happens that we in the Lower Murray are blessed with a climate second to none in the world for the production of horticultural crops that can get great benefit from supplementary irrigation; and in the Lower Murray it will do no damage whatever to any of the towns which depend upon the Murray if it is used there, and it will do no damage to the future prospects of those towns and the people who live in them upstream where they depend upon the Murray. It is not just a matter of this being a technical fix for the problem in this area. In addition to that, the House needs to remember it has a job to do to shift the water to where it will cost less, be more sustainable, generate more profit, create greater prosperity and reduce undesirable detrimental consequences for the environment overall.

Mr HANNA (Mitchell): I rise briefly to speak in support of the bill. Clearly, anyone who thinks about the future of South Australia realises the long-term high priority of water resources in the state, particularly in respect of the Murray River. We rely on it so heavily, particularly in dry years. I have learned a lot about the problems of the Murray River through membership of the select committee of this House which is examining issues arising from the Murray River, and that is why I speak in support of this bill. With its complex response to the problems of irrigation, water use and salinity, I see it as a model which should be replicated not only on the South Australian side of the border but also in other regions. It is very pleasing to see the fruition of what, obviously, has been years of work from government, local irrigators, local government and many other contributors, in the form the bill presents today.

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank all members for their contribution and acknowledge the genuine commitment that those members who addressed the House feel on this subject. The shadow minister in his remarks said that this was a good piece of socialist legislation. I point out to the shadow minister there is an element of freedom of association in this bill. Of course, I support that; I am bringing the bill before the House. However, along with the member for Chaffey, I would have been more excited if every irrigator in the district had seen fit to include themselves voluntarily in the scheme at this stage. The fact is that they have not, and that suggests that this House and the people of South Australia still have a way to go in terms of the education of the people of this state—but this bill is a start.

To conclude my remarks, I would say for the public record that, as the member for Hammond said, those who are volunteering to associate themselves with this bill are redressing a problem that is some decades old and acknowledging their responsibility. Those who are not doing so risk a more onerous task in the future, because for some years it has been the agreement of all signatories involved that the damage we do and the impact we have on the river we will redress. That compact has not been observed in full as yet; I believe it will be observed in the future. The requirement for it to be observed will not come solely from this place: it will come from all the parliaments and all the peoples of Australia.

The Murray-Darling Basin is not the property of any individual Australian or of any individual jurisdiction. It is something which we hold briefly in trust for our children, our grandchildren and their children. It would be irresponsible for this House or any House elected by the people of this country to squander that resource. As salinity becomes (as it will) an increasing problem in the Murray-Darling Basin, the people of this country will demand from this and houses like it that we introduce measures such as this which may be—in the words of the shadow minister—much more socialist and much more compulsory than this measure. If I am still here (and I doubt I will be) I will stand as a member of this place to say that this is not a socialist measure: this is a measure for the protection of our environment and to provide the legacy which we would leave our children and grandchildren. While I am not a socialist, I do believe that this House has an absolute right and indeed duty to protect that which needs protecting.

The environment is most important and in need of our protection, not for its own sake (although that is an issue) but also because if we do not protect the environment we will not be able to sustain the present levels of agriculture and practice and the wealth of the basin. So, sustaining the environment is not solely about the frogs and bulrushes and those beautiful things that we all love and treasure: it is also about a healthy system which feeds us and from which we can derive nurture and economic benefit. The two are not exclusive: they are inclusive.

I thank members of the House for their support of this measure. I acknowledge the member for Chaffey and others in the area who have worked hard and for whom it would have been easier at times to walk away from the issue, especially with the dissenting voices who too often demanded their own way. But the fact is that in that area the majority of voices were calm, reasoned and responsible in accepting that there is a problem which they helped to create and which they must now help to fix. I commend those people, and exhort those who are not yet part of the solution to be so because, if they are not part of this solution, this House will make them part of a future solution that may be much less palatable.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. M.K. BRINDAL: I move:

Page 6, after line 11—Insert new definition as follows:

'2000/2001 contribution year' means the period—

(a) commencing on a date (whether falling in the year 2000 or 2001) to be fixed by the minister, by notice in the *Gazette*; and

(b) ending on 30 September 2001;

Page 9, after line 25—Insert new subclause as follows:

(8) In this act, a reference to 'contribution year' includes a reference to the 2000/2001 contribution year.

Amendments carried.

Mr HILL: The next clause is headed 'Provisions related to irrigation districts', but I could not find a definition of 'irrigation districts'. Can the minister explain why that does not appear in the definitions and what an irrigation district is?

The Hon. M.K. BRINDAL: Irrigation districts are often defined by a particular act of parliament, as the shadow minister would be aware. For instance, the irrigation district of Loxton is generally defined in the manner shown in schedule 1 on page 56, which defines the irrigation district on a map. As the shadow minister would acknowledge, when you are doing something geographically it is probably much easier and involves much less argument with lawyers if we set it out on a map as given on page 56 rather than trying to define it in words. So, the irrigation district is defined by the borders within that map.

Mr HILL: That may well be the case, but as I read it the bill does not actually state that in the introductory section. It would make it much more understandable if 'irrigation district' were listed under the interpretations with a reference to schedule 1. As you are reading through the bill that is not immediately clear.

The Hon. M.K. BRINDAL: It is done by reference throughout to a scheme area, which is then defined in schedule 1. However, I take the shadow minister's point and I undertake that between the houses I will have it investigated. If it can be made more readable and more easily understood by those who read it after we pass the legislation, I undertake to have the material inserted when the bill is between the houses.

Mr HILL: I refer to subclauses (2) and (3) on page 8, under 'Interpretation', which describe—as I understand it—what happens if a person or corporation owns two or more irrigation properties. As I understand it, those provisions and clause 5 explain that if I own a property, and my brother or my wife own another property, for the purposes of this act they are taken to be the one property. Will the minister explain why that is the case? Why are they not considered to be separate properties?

The Hon. M.K. BRINDAL: It maintains what we thought to be the easiest way to define 'fairness' because it is a single property. It is probably a capacity of the division of who pays what. Secondly, and probably more importantly, it relates to voting rights. If it simply stated that if one owns two or more properties and they are aggregated for the purposes of this act as one property, and they are charged as one property, they can only exert one voting right in respect of the aggregated property.

The danger if we had another definition, I am told, is that people might seek to subdivide their property into the minimum possible parts so as to exercise at a meeting a number of voting rights. As a matter of fairness, we thought that whatever land one owned within the scheme was an area of land and that area of land contributes to the quantum of the problem and, therefore, ownership should be defined in terms of the area owned—the quantum of the problem—and that reflects back on the amount one pays towards the running costs of the scheme in the year subsequent to its establishment.

Mr HILL: I have read clause 3(6) several times but I am not entirely clear what it means. Will the minister summarise the section in plain English?

The Hon. M.K. BRINDAL: As I understand it, a 'perched water table' (I welcome the member for Chaffey to nod vigorously or do something if I get it wrong) sits above the saline water table, sometimes (although not necessarily) separated by a clay layer. If it is not separated by a clay layer, it is generally referred to as a 'lens' because it is fresh water floating on saline water. In this case, I think there is some interconnectivity but separation also by Mount Barker clay—

Mrs Maywald: Blanchetown.

The Hon. M.K. BRINDAL: Blanchetown clay. I always get the clays muddled up. The point with some of the perched water table is that it is actually potable water. It is water that was used for irrigation, has gone below the surface and is actually reclaimable and reusable. Because when it is taken from the river and put onto the land that water is accounted for, this section provides that if the water is retrievable and reusable it is not double counted. It protects against double counting where it is possible for someone to reclaim and reuse the water.

I think the shadow minister would agree that it is a fairly well thought out provision because it positively encourages some irrigators. Rather than having the water go down to the perched water table and saying, 'Well, that is lost; forget about it,' it acts as an encouragement for them to reuse that perched water table as many times as possible because it is good practice for them and will save them money.

Clause passed.

Clause 4.

Mr HILL: In relation to clause 4(1)(a), which refers to a water logging and a salinity risk management allocation being attached to the irrigated land of the district, will the minister explain how that is attached? Is that, for example, by way of the land title or is it some other device?

The Hon. M.K. BRINDAL: When people sign to join up to the scheme, a map will be produced which will show all the classifications of land—for example, if it is water logged land or irrigation land. That classification is then, by dint of the map, deemed to be attached to the land. That is reasonably important, because when the land is on-sold the classification is deemed to be on-sold with the land because of the map. I am sorry that there is a pause, but the member for Kaurna asks me questions about which I am not normally challenged enough to have to ask the officers. However, in the honourable member's case, I do apologise.

Clause passed.

Clause 5.

Mr HILL: I assume that this clause allows irrigators to voluntarily join the trust. Will the minister explain how the voluntary scheme will work? I assume that when this act is promulgated people who volunteered prior to its enactment will automatically be part of the trust, but what about those who are not part of the trust and who may not have volunteered? How will they access the trust if they change their minds in the future? How will members who have volunteered to be part of the trust withdraw from it if they so choose, or can they do so if they so choose?

The Hon. M.K. BRINDAL: When this comes into force, people will be formally invited to become members of the trust. To do so, they must make an irrigation declaration which will make them members of the trust. Subsequently, other people may join up. However, if all the units in the trust are allocated, to join up they will then have to pay for the additional works that have to be undertaken or they will have to pay for the privilege of joining.

I draw the member for Kaurna's attention to what I suspect is a similar type of condition that exists in or near his own electorate with the grey water sewerage scheme that goes down to the southern vales, as he would know. Those who joined up have an ownership of it. There are now many more who would like to be in it and who are complaining because it is costing them rather more to be in it than it would have had they been initial members. I think that, in fact, this scheme will have a similar effect. If they really wanted to, I suppose they could surrender their rights to the trust by resigning. However, given what everyone in this House knows about the rising problem of salinity, I think the likelihood of someone who chooses not to join initially wanting to join is manyfold higher than the likelihood of anyone who is prudent enough to join in the beginning wanting to get out subsequently. But either is possible.

Mr HILL: This is a hypothetical question, I suppose. If the bill is passed and a lot of irrigators decide to join and $7 million worth of capital works have taken place, what is to stop all the irrigators then resigning and forgoing ongoing liability for paying off the management of the operation?

The Hon. M.K. BRINDAL: Quite simply because once they have joined they will not be able to irrigate unless they have zero impact certificates. If they resign from the scheme they will not have a zero impact certificate; therefore, they will not be able to irrigate. The absolute worst case scenario (which is highly fanciful), I suppose, is that if every member joined the scheme and then said that they wanted to opt out of the scheme, we would have spent $7 million, or more, on this scheme. If they all then turned around and said that they did not want to irrigate any more, if they pulled up all their irrigation and ran sheep, they would have sheep and we would have white elephants. However, I do not think even then it would be a white elephant, because the fact is that every state, as the shadow minister knows, is moving very actively into a discussion of salinity credits and what they will mean. They are tradeable at vastly increased prices over water. Salinity credits are worth, I think—

Mrs Maywald interjecting:

The Hon. M.K. BRINDAL: Yes. The member for Chaffey says $750 000: someone told me recently that one traded for $1 million. It is in that area. In the worst case scenario that they all decided to dry land farm, we would still have a scheme where we could probably be rendered viable simply by the salinity credits that we could gain from it. But the likelihood of that is about the same as the shadow minister becoming Leader of the Opposition tomorrow.

Mrs GERAGHTY: Clause 5(3)(c) provides that the trust can sue or be sued in its corporate name. If the trust is sued and a substantial penalty is applied to it, would there be sufficient funds within the trust to cover that, or would it have to come from somewhere else?

The Hon. M.K. BRINDAL: That is why they are required to have an insurance policy. If they get sued, they will have to be insured or else they will have to recover it from their members. That is why we are insisting on the insurance. The member will remember some years ago, where we had a very bad bushfire incident in the Adelaide Hills and people—rightly—sought compensation, I suppose. In the doling out of the compensation, what was not thought through enough was who, in fact, would pay the compensation. We had a very difficult situation with the then District Council of Stirling, I think, which suddenly found that it had a liability which it simply could not pay. We have moved on since then and we have sought to learn from those sorts of

experiences, and now there is an insurance policy demanded which insures against that likelihood. However, in the failure of that policy it would come back, in the first instance, to the assets of the trust and the members of the trust—and probably ultimately on us, as everything seems to ultimately come back to us.

Clause passed.

Clauses 6 to 8 passed.

Clause 9.

Mr HILL: This is a provision to do with voting; the Minister mentioned that in passing. My reading of subclauses (4)(a) and (4)(b) is that, in order for a resolution to be agreed to, it needs to get the support of a majority of votes (that is on the basis, I suppose, of one vote, one value), and also a majority of the value of votes. The way I read that would be that, if there are 20 irrigators and 18 of them had relatively small allotments and two of them had a majority of land, you would have to get at least 10 of the 20, plus probably the minority of two would have to be part of that voting majority. I am not sure if I am explaining this. It is a bit like the old card vote in the Labor Party: you could have a majority of votes succeeding but you needed to get a majority of the representation as well. Am I correct in that analysis?

The Hon. M.K. BRINDAL: The problem is that, in formulating this bill, the Qualco-Sunlands area will move from the auspices of the old Irrigation Act 1944. It is still under that act until it transfers across to the new act. Therefore, the clause 4 provisions relate to what happens while it is under the old act, and the other provisions relate to what happens when it comes under this new act. So, if you like, it is either/or: one will apply, then subsequently the other will apply. Does that make sense—the member is looking a bit perplexed?

Mr HILL: I have a supplementary question, sir. Subclause (4) provides:

> Subject to this act, a resolution will be carried if—

(a) and (b): it is not or (b).

The Hon. M.K. BRINDAL: Yes, I am sorry; we were at cross purposes. The acoustics in this place are dreadful. I thought that the member was saying 'boats' and I was wondering where boating came into this. The value of the votes in subclause (4)(b) is according to the water allocation. So, it is not property values or anything; it is according to the water allocation.

Mr HILL: What it means is that, in order to get something through the trust, there is a majority of individuals who have votes, and every individual who has a property or a series of properties has a vote, so you have to get a majority of the individuals voting but you also have to have a majority of the irrigated land that is represented on the board. So, you might have a majority of one and not the other: in that case, it does not get through. I am just clarifying that.

The Hon. M.K. BRINDAL: The simple answer to the question is yes.

Clause passed.

Clauses 10 to 18 passed.

Clause 19.

Mr HILL: Subclause (3) provides:

> The Trust is only required to comply with this section if it requires adequate government funding to do so.

Could the minister expand on that and, in particular, indicate the government's exposure in relation to this issue?

The Hon. M.K. BRINDAL: Similar to the comments made by the member for Chaffey in her second reading contribution, the subclause acknowledges in law that the government is bound to contribute that which the government says it will contribute. It limits, if you like, the liability of the trust from the government, either state or federal, not providing the amounts of moneys that this House has been assured that the government will provide. It does not expose the government, state or federal, to any greater risk, but it protects the trust from—perish the thought—a government in this chamber or a government in another chamber in another place saying, 'We will do this', bind it by an act of parliament and then say, 'Too bad, boys; you have to pay for it.'

Clause passed.

Clauses 20 to 23 passed.

Clause 24.

Mr HILL: This clause deals with the provision of disposal basins which, I guess, is where the salt accumulates. The minister is obliged to provide these disposal basins. Can he indicate how and at what cost he will provide these basins and where these basins will possibly be located?

The Hon. M.K. BRINDAL: This clause limits our liability. The basin in question is Stockyard Plain, which is an existing basin. If the basin exists there will be no extra cost. Our liability is limited under this clause to 100 litres per second and to 2 840 megalitres a year, so that they are sure of what it is they can give us and we are sure that we can have evaporated that quantity of saline water. Just pre-empting clause 25(3), the cost we limit to $300 000. There are no smokes and mirrors here. As the member for Chaffey and other members have indicated in the debate, we have worked hard with the irrigators. The costs, we believe, are realistic, honest and can easily be met. The capacities are within our capacity.

The shadow minister might be aware that, if we take a view 15 or 20 years down the track (and I know that the member for Chaffey is aware of this), we really do have to look eventually at the remediation of salt from the environment. It is not necessarily a sustainable long-term solution to let the salt just pile up in basins. Lake Tutchewop in Victoria is already experiencing problems: in fact, saline water has been extracted for, I think, in excess of 20 years: it involves getting saline credits. As fresh water evaporates, obviously, the salt remains and the water becomes increasingly saline.

Just prior to crystallisation, saline water evaporates at only 45 per cent the rate of fresh water, which means that, to get the same amount of evaporation, just roughly, you must double the size of the basin. Lake Tutchewop is already experiencing that. South Australia does not have quite the same problems. Some of our basins are semi-porous so that some of the water will flow in gradually. Also, we do not have exactly the same measure of program. Nevertheless, I would not like to deceive this committee and say that any member who knows anything about it believes that the current basin system is absolutely sustainable indefinitely. Ultimately, we will have to do some more advanced science, and probably we will have to remediate some of those areas by physically removing the salt from the environment.

Mr HILL: I agree with the minister's analysis, but can he assure the committee that the basin in question has the capacity to take the water coming not only from this irrigation area but also from other areas that currently get water for evaporation purposes?

The Hon. M.K. BRINDAL: Yes, I can absolutely give that assurance, with the provision that $300 000 worth of work needs to be carried out to meet that requirement.

Clause passed.

Clause 25 passed.

Clause 26.

Mrs MAYWALD: This clause refers to the creation of salinity credits by the trust. Can the minister please explain to the committee how the benefit sharing of any EC credits that are created as a result of this scheme will be distributed to the benefit of the state and the community, and will he explain the sharing of the return that may be achieved from those salinity credits?

The Hon. M.K. BRINDAL: I hope that this committee will concur that the government has tried responsibly in addressing this question to be fair to those who are irrigators in this scheme and who will be beneficiaries if EC credits receive a lot of ever escalating amounts of cash and equally fair to this parliament and to the people of this state—the taxpayers—who, through federal and state coffers, contribute, in the 30-year life of this scheme, roughly 60 per cent of the costs. As the scheme is presently valued, we have divided therefore those proportions roughly as 55 per cent for the government and 45 per cent for the members of the trust.

Any earnings for pumping (additional ECs) go into the trust and are counted in the cost. The benefit will be reviewed every five years as a cost benefit ratio. The 55-45 per cent share will be reviewed every five years according to how the benefits pan out. For example, if the price of oranges falls, the government benefits required will be adjusted down to accommodate the falling prices of the commodity. I think that we are ensuring that there is an equitable distribution of the risk, as there is a risk. We are also seeking to ensure that there is an equitable distribution of the benefit or profits if that accrues as well. I think that this is a good scheme for those who choose to join it early. It is an equally fair scheme for the government which, after all, means the people of South Australia.

Mrs MAYWALD: So that I understand the minister's answer, in the original modelling for the scheme there was a six EC benefit to the state. Those six ECs will become the property of the state if we enter the EC market, and any additional ECs created as a result of extra pumping on behalf of the trust would then be to the benefit of the trust. The cost benefit ratio would then be redistributed at the review every five years in relation to the trust's agreed arrangements with the government. Is that correct?

The Hon. M.K. BRINDAL: That is correct. I ask the member for Chaffey to contemplate the following: if we are half correct and say 6 ECs are currently worth $1 million each and the government is putting in about $7 million, it already has almost a guarantee of $6 million in return, so it is not a bad deal for us, either.

Clause passed.

Clause 27.

Mr HILL: This clause deals with the powers of the trust, and the powers are pretty broad. Clause 2(a) provides that the trust may enter or occupy any land or authorise any other person to enter or occupy any land. This is a very broad power to be giving to what is at best a quango and at worst just a group of landowners. What limits would be placed on the land in question? Does it involve just land within the irrigation district, or does it involve land anywhere in the state that for some reason or other might be deemed to be useful for the trust in pursuing its objectives?

The Hon. M.K. BRINDAL: It certainly is limited to land within the area of the trust. I acknowledge that the powers are broad-ranging. However, the fetter on any power is, of course, the community it serves. This trust is a community trust. It will be operated by the community, and it will answer to its own community. So, in a sense, we have Caesar policing Caesar. While I acknowledge the shadow minister's point in his question that the powers are fairly broad-ranging and fairly comprehensive, I do not believe he will detract from the right of this House to provide for such broad-ranging powers.

The issue of salinity is serious, as the honourable member has acknowledged and is acknowledging. If it takes broad-ranging powers imposed by this House to see that the problem is addressed, then this house should not restrict or shrink from opposing such powers as are necessary for the preservation of the resource. I refer to that old saying: power corrupts and absolute power corrupts absolutely. We think the check and balance in this is that it is a community scheme run by the community and largely answerable within the community. We think that, while the powers are broad-ranging (and necessarily must be so), nevertheless, the check and balance is that it is Caesar policing Caesar.

Mr HILL: I am relieved by the explanation that the land is question is land only within the district. It is not pointed out in this section. The minister may wish to amend it further. I will outline one problem for the trust. At some stage in the future an irrigator might be able to have control over a majority of the land through a variety of arrangements, and so on, and one person could have absolute power, as the minister outlined, acting in a way that is perhaps not in the best interests of the whole of the trust area but may be in the best commercial interests of that person. I suppose the minister's answer would be, 'The individuals on the trust board would still have to vote in favour of that large landowner.' I am concerned. We all know how committees work and influence is peddled. If this authority is misused, does the minister have some capacity to intervene and bring those involved back to order?

The Hon. M.K. BRINDAL: First, this parliament does not abdicate its rights. If something substantially unfair is happening, the minister of the day can make regulations for which the minister is obviously answerable to this House or, indeed, the parliament, through the minister, can choose to amend the act. So, a matter of substantial fairness under an act is always within the purview of the parliament. Notwithstanding that, I draw the shadow minister's attention to the previous clause.

I put to him as a matter of intelligent debate that, even if an irrigator got possession of most of the land and, therefore, most of the water, in the previous definition they still would have only one right to vote for property. Even if they owned seven-eighths of it, they can still exercise only one vote as an owner. They can certainly exercise the majority of the votes for the water. However, so long as it requires an absolute majority of both, there being more than two owners, the self-interest of the one cannot succeed. If there are two owners, I do not know what you do. If there is a little owner and a big owner, 50 per cent is still not a majority of the vote. So, I think there are adequate protections—the most important protection, of course, being this House and this statute.

Clause passed.

Clauses 28 and 29 passed.

Clause 30.

Mr HILL: This clause deals with minimisation of damage. Will the damage that might occur be subject to normal EPA and other acts of parliament which would apply, or does this act exclude those other agencies in terms of dealing with those problems?

The Hon. M.K. BRINDAL: It is subject to the EPA and also to other acts of parliament according to the Acts Interpretation Act. With respect to the shadow minister's concern, most acts—certainly the EPA—would hold sway in an interpretation of this act. I invite the shadow minister to come up with me some time—and I am sure the member for Chaffey would entertain him for a day—and have a look in the area of Bookpurnong, around lock 4, and in other places. The big thing about this act is not the damage that will be caused but the damage that will be remediated and saved. While it is a very germane question, the answer is, as I have said, that I would rather hope in four or five years we will be in here talking about the enhancement and not further degradation of the environment. If I am going to that area, the shadow minister is welcome to come with me. I am sure the member for Chaffey will take him around the area to see just what damage is occurring in situations where there are no schemes such as the one we are passing today.

Clause passed.

Clauses 31 and 32 passed.

Clause 33.

Mr HILL: I thank the minister for his warm invitation to visit parts of the Riverland with him and the member for Chaffey; I will happily go along with that. Clause 33(5)(b) refers to a hydrogeological model approved by the minister and the trust. The next clause refers to the fact that the irrigator must bear the expense of anything that will be required. However, it does not refer to that hydrogeological model. Who will pay for any hydrogeological work that would need to be done? Will that be the irrigator, the minister or the trust? How will that be worked out?

The Hon. M.K. BRINDAL: According to the capital works budget of my department, the model referred to is within the existing budget and has already been done. If in the future hydrogeological work was undertaken—and I am not trying to be evasive—it would depend: if the hydrogeological work was part of the ongoing maintenance or enhancement of the scheme, I expect that we would be going to the irrigators and saying, 'This is at your expense, because it is a running cost of the scheme.' However—as well might happen—if this state, to get a better knowledge of the river, the flow processes and building salinity levels within the river were to seek further hydrogeological work on its own part in this area, it would be reasonable and proper that the irrigators say to the state—and we would, indeed, say this ourselves—that this is additional work required by the state of South Australia to enhance its knowledge of the river and, therefore, the ground water flows should be done with the state. This one does not come into it, but in future if it is part of the ongoing nature of the scheme it would probably be at least a request from the trust. If it is something the state requires to enhance our knowledge of the problems in the area, it is something we would bear.

Clause passed.

Clauses 34 and 35 passed.

Clause 36.

Mr HILL: Clause 36 relates to a certificate of zero impact. I am always a bit dubious when a minister makes such an absolute statement that a particular measure will have zero impact on something, in this case zero impact on salinity levels or water logging. Will the minister explain the process that might be gone through and how he can assure anyone that something will be 100 per cent certain?

The Hon. M.K. BRINDAL: This is a God like power and I acknowledge that and I do not suppose in any human society we can ever be 100 per cent certain of anything. At present the ministerial council, the Murray Darling Commission, has demanded that all users of the river are cognisant of and have account for the impact they have on the river. So, if you take out water and that has an impact you are expected to remediate the impact, at least in theory. If you put salt in and that has an impact on the river, you are expected to remediate the impact. Since that came in we have not enforced it. It now appears in the statute. We are saying in this statute that you must have zero impact on the river. Is that yet an absolutely precise science? The answer is certainly no. Will it in the life of this bill be a precise science? I would say hopefully, as far as humans are able to be precise, the answer will be undoubtedly yes.

It is not, I put to the shadow minister, a completely impossible proposition. If we understand the geology underlying the area, and we have at that stage done enough tests bores so that we are quite clear as to the road map of the underlying textures, structures and permeabilities, then we have in effect underneath the surface the same as we have on the surface—an aerial photograph. If we then know the exact quantities of water laid on the surface, the permeability, we can then do some hydrological work and calculate with almost a degree of certainty the flow rates, the rates of salinity that will be in those waters and therefore the rates of impact on the river. Certainly within the life of the bill, as far as it is humanly possible to say 'Yes, we can categorically say that you must have zero impact,' we will at least approach that point.

The honourable member is smiling. I will not lie and say that we will. Even if one day he is minister, I doubt that he will quite acquire the status of God and he might occasionally make a slip up. As our science develops in this area we will be able to be more precise. The most important point is that we have to start to demand that sort of result and do the best we can to see that that sort of result is achieved. At present we have demanded it, but have demanded it as a theory only and, while we demand it as a theory only, the river continues to deteriorate. In human fashion the damage you cause that you cannot see you do not easily own up to and in some cases damage has been caused, but people to their credit are realising that it is partly their damage and that partly as a group they are responsible. But they do not see it as their personal damage, which is a pity. That is where we have to get. We have to have people realise that as individuals they are having an absolutely quantifiable and deleterious effect on a precious resource.

One thing I am sure of—and I am sure that the member for Chaffey will back me up—is that I do not know of any farmer or irrigator in this country who seeks to systematically destroy the land they farm. Most are very attached to both their property, to what they do and to the sustainability of what they do. As they become aware of their impacts on their environment, generally they are the ones leading the charge to fix it up.

Clause passed.

Clauses 37 to 45 passed.

Clause 46.

The Hon. M.K. BRINDAL: I move:

Page 35, line 29—After 'On or before 15 August in each year' insert '(or, in respect of the 2000/2001 contribution year, some other date agreed between the Minister and the Treasurer)'.

Amendment carried; clause as amended passed.

Clause 47.

The Hon. M.K. BRINDAL: I am told that clause 47, as it is a clause to appropriate revenue, will need a Governor's message before the necessary third reading is passed. Therefore, I will in a moment seek to adjourn the debate. I will seek your guidance, sir, on whether this House might move the amendments before such time as we adjourn the debate until tomorrow.

The CHAIRMAN: The amendments may proceed, but the bill will need to be adjourned prior to the third reading.

The Hon. M.K. BRINDAL: I move:

Page 35, lines 36 and 37—Leave out subclause (2) and insert the following subclause:

(2) The amount must be paid—

(a) in respect of the 2000/2001 contribution year—in such instalments and on or before such dates as are agreed by the Minister and the Treasurer;

(b) in respect of all other contribution years—in equal quarterly instalments on or before the first days of October, January, April and July in the relevant year.

Amendment carried; clause as amended passed.

Clauses 48 to 54 passed.

Clause 55.

The Hon. M.K. BRINDAL: I move:

Page 40, line 30—Leave out '1 October in' and insert 'the first day of'.

Amendment carried; clause as amended passed.

Clause 56.

The Hon. M.K. BRINDAL: I move:

Page 41, after line 27—Insert new subclause as follows:

(5) However, despite subsections (2), (3) and (4), the amount, or amounts, payable to the Minister in respect of the 2000/2001 contribution year will be payable in equal instalments on or before the dates fixed by the Minister for the purpose and specified in the notice (the date for payment of the first instalment being not less than 30 days after the date on which the notice is issued).

Amendment carried; clause as amended passed.

Clauses 57 to 61 passed.

Clause 62.

Mrs MAYWALD: Part 8 of this Act refers to wells and clause 62 refers to permits under those wells, in particular to a fee to be prescribed by regulation in relation to an application for a permit to approve a well. Will the minister please explain to the House how the prescribed regulation will be set in relation to the fee and how that will be applied to the trust?

The Hon. M.K. BRINDAL: This should not be an issue. We do not believe a fee will prove to be necessary at all. It is one of those 'in case' provisions which my officers always tell me is necessary—in case. If a fee proved to be necessary because of an investigative or administrative cost accrued to the trust, it is the trust that will sponsor the regulation to that effect and not the minister. The provision is there so that, if that is triggered by the advent of an investigative or administrative cost by the trust, the trust will in fact come to the minister and say, 'This expense has been incurred because we need to do X or Y. Therefore, we would like you to pass a regulation to allow us to recover the moneys.' I am now on the record as saying that there is no intention by the government to actually charge anyone or use this as a backdoor method of taxation. We are not yet about taxing wells.

Clause passed.

Remaining clauses (63 to 80), and schedules 1, 2 and 3 passed.

Schedule 4.

The Hon. M.K. BRINDAL: I move:

Page 59, line 6—leave out '1 October 2000 (the transitional period) Part 2' and insert:

the beginning of the 2000/2001 contribution year (the 'transitional period') Part 2 of the act.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1102.)

Ms HURLEY (Deputy Leader of the Opposition): I am very disappointed that we are coming into this debate with a number of major issues still unresolved, despite the fact that the announcement of the proposed sale of PortsCorp was made in early April last year. I intend to run through some of these major issues; and it is partly because of the lack of resolution of these issues and other problems with the sale of PortsCorp that the opposition will oppose this bill and subsequent bills to enable the ports to be either sold or leased.

The government has handled this matter in an extremely disappointing manner. We in the opposition have attempted to consult with as many groups as possible, many of whom have expressed disappointment that the government has not similarly consulted properly with them. I understand that yesterday and this morning the minister was talking to some of those groups to try to get some resolution of the issues at this very late stage of the proceedings. It leaves this parliament, once again, in the situation of being asked to pass legislation where we have an incomplete understanding of the ramifications of the legislation.

The legislation involves the sale of a major community and state asset, that is, every port in the state of South Australia excluding Kangaroo Island. This is, indeed, a serious issue. Once again, we are faced with last minute changes and alterations and deals done—a rushed piece of legislation which exposes this state government to mistakes being made in the process. The issue of South Australia's ports and the transport corridors they provide for our exports is just too important to be treated in this way. I am very disappointed on behalf of residents of South Australia that the government has chosen to go down this path.

I would like to go through some of the major issues in relation to PortsCorp. First, there is the aspect of stevedoring in the port of Adelaide. There is no guaranteed tenure for the major stevedore Sea-Land beyond its current four-year contract. Sea-Land has operated the port of Adelaide in what seems to be a very efficient manner. It has worked well with its work force in contrast to the strikes and disputation we have seen at other ports, particularly in Sydney and Melbourne. Sea-Land has worked well with its work force to ensure that the throughput of the port has increased dramatically over the years; and it has introduced modern equipment to speed up the throughput for that container terminal.

Sea-Land has informed me that it had intended to put a great deal of investment into its facilities at Port Adelaide. It is talking about adding infrastructure and investment in the next year or so. However, its lease expires within four years and before it makes that significant and costly investment it would like a greater guarantee of its tenure. The problem is that the current throughput of the port of Adelaide does not provide enough tonnage for more than one operator to operate efficiently. Sea-Land is unwilling to provide the level of investment that is required for the port of Adelaide when a competitor might be introduced which would reduce its ability to operate efficiently.

I would like to quote from a report entitled, 'Beyond price regulation—Market structure competition and efficiency in Victoria's ports'. This is a report by the Office of the Regulator-General in Victoria. Victoria's ports were partially privatised and partially corporatised. The port of Melbourne continues to be owned by the state government, and three other provincial ports in Melbourne have been privatised. This is the first major report following that privatisation and it contains many lessons for the South Australian situation.

It states that the level of concentration in the container stevedoring industry is the inevitable consequence of inherent economic characteristics of that industry. Talking about the long-term interests of the port operator at Hastings in particular (but I believe it has relevance in the port of Adelaide as well), the report states:

> . . . the long-term interests of inter-port competition would appear to be better served by ensuring that the port operator at Hastings has the commercial incentive to promote and invest in facilities at the port which will position it for development as a medium to long-term competition to the port of Melbourne. The willingness to make the required investment over time is likely to depend in part on the operator's confidence that it will enjoy security of tenure for a period sufficiently long to reap the resulting benefits.

I think that is exactly the case in which Sea-Land finds itself. Due to the high fixed costs of providing that infrastructure, in the opinion of this report writer the operator of that stevedoring service has a good claim that that investment should be taken into account. The report goes on further to state:

> Modern container terminals are capital intensive, and a significant proportion of the capital outlays (for instance, the development of hard standing areas) is not recoverable on exit.

I understand that Sea-Land's difficulties are with the fact that it does not have an extension of its tenure and also that the legislation provides for a portion of land beside the existing terminal to be made over to another operator.

The opposition has no problem with competition being introduced into the stevedoring industry in the port of Adelaide, but we would not like to see a stevedore operator which has been operating efficiently being forced out by another stevedore—perhaps one that has operations in, say, Melbourne—such that that operator would then run down the stevedoring and port industry in Adelaide and direct much of its work to the port of Melbourne or some other port. Those reassurances are not available within the legislation nor, I understand, from the minister.

So, we have the situation where our major stevedore is not yet convinced that the right assurances are present in the legislation and has not received sufficient assurances from the minister. This is very difficult for the ongoing improvement and efficiency in the port of Adelaide, the ongoing commitment of the workers in that port of Adelaide and the security of that export corridor for many of the operators such as the wine industry that make good use of the port of Adelaide.

The opposition has another major problem with the bulk handling requirements for the port of Adelaide. I think those concerns are expressed very well in a letter from the South Australian Farmers Federation which deals with the existing situation for South Australian grain ports. It is quite a long letter, but it is worth quoting from it at some length, because it puts very succinctly the issues concerning with the port of Adelaide and the work that needs to be done to upgrade that port and other ports around South Australia so that our grains industry remains competitive and increases its ability to stay competitive.

A number of points are made about the port of Adelaide which I will read through. This letter from Jeff Arney, who was Chairman of the South Australian Farmers Federation Grains Council, states:

- South Australia's grain ports are the least capable (with the exception of Port Lincoln) in Australia and are the highest cost.
- Most vessels have to call at two ports to fully load, and marketers have to redirect many large vessels to interstate ports.
- Eighty-five per cent of the average South Australian grain crop is exported, contributing on average $1 billion to the South Australian economy (mostly in rural areas). This would be further enhanced if the ports are developed.
- In the last two years, Ports Corp has paid dividends and loan repayments to government of $21 million and $16 million respectively, nearly half its total revenue for this period.
- A 'can do' approach now will address 30 years of neglect and allow South Australia to compete effectively against Victorian grain ports.
- Industry is poised, ready to spend $30 million on land-based infrastructure improvements, subject to government providing the state-based asset improvements.
- Upgrades would optimise the use of rail infrastructure in preference to road transport.
- Improvements as recommended would place South Australia's grain ports in a strong position for future benefit to South Australia, fostering grain production and including prospects of attracting grain from Victoria for export. The alternative is for South Australia to remain uncompetitive, with grain gradually being diverted from eastern South Australia for export through Victoria.
- The South Australian Centre for Economic Studies has stated that deep sea port investment would provide positive economic benefit to South Australia.
- A commitment to the improvements would create a positive environment for the Ports Corp sale.
- The ability of South Australian ports to compete on world markets will deteriorate further as vessel sizes continue to increase.

That is about the increasing tendency for the bulk grain industry to go to larger and larger ships. Post panamax vessels are being used in other parts of the world and, as a result, the South Australian vessels are tending towards going up to panamax standard, but they are unable to use the port of Adelaide in its current circumstances. A report was done, and the deep sea port investigation committee found that there was a need to deepen the port at Adelaide to enable panamax type vessels to use that port.

As was stated in the letter from the South Australian Farmers Federation, the industry is prepared to put in $30 million to land-based infrastructure. It is asking the government for a contribution by dredging out the port of Adelaide and ensuring that panamax type vessels can use the port in order to ensure the competitiveness of the grain industry and the long-term future of the port of Adelaide. The South Australian Farmers Federation also points out that dividends and loan repayments to government have amounted to $37 million over the past two years. In saying that, it makes the point that it could rightly expect the government to give back some of those dividends and revenue to the industry that helped create them. They point out that the notion of government investment to facilitate projects in South Australia is well established, with a number of precedents, all of which were presumably justified in terms of broad economic benefits to Australia South Australia. These include: $40 million dredging of Outer Harbor for the container terminal; provision of berth and other facilities at berth 29 for a large South Australian organisation; $36 million for the National Wine Centre; and $30 million for the Hindmarsh Soccer Stadium.

As I understand it, the government is refusing—or certainly up to now has refused—to commit any government money for that dredging. In answer to my questions about this, it has stated that it expects the industry to contribute the full amount and that the industry would negotiate with the new port operator on how and when this would be done and

whether the new port operator would contribute any money to that process. This is an extremely unstable situation for the grains industry to be in. It is unconscionable that the government has allowed it to happen, and to ask this House to pass legislation to sell ports before this issue has been resolved. Jeff Arney of the South Australian Farmers Federation, in his letter to me, went on to say that new pressures have emerged in South Australia which exacerbate the situation if the dredging is not carried out. The letter continues:

Vicgrain and Graincorp (NSW) set to merge, creating increased competitive power against SA's export system.

New Melbourne grain terminal to come on stream in 2000. . .

Victorian government funded the dredging of the Geelong channel to provide panamax capability for this privately owned port.

AWB constructed 150 000 tonne storage facility on main Adelaide-Melbourne rail line at Dimboola.

Remember that this is an option for grain from South Australia to travel to Melbourne to be exported. The letter continues:

Victorian railways privatised, with new operators seeking new business.

Victorian government agreed to over $50 million rail standardisation/upgrades, facilitating competitive freight rates into Victorian ports.

International marketers such as AWB and ABB now chartering around 40 per cent of their own export shipping, forcing closer attention to competitive port costs in an environment where state borders have become less relevant.

Increased competition from Victorian ports will improve the return to growers who utilise these facilities. Growers who have no option but to rely on Port Adelaide will be further and further disadvantaged as marginal grain is lost to the Victorian ports and thus reduces the volume through Port Adelaide.

My interpretation of that is that the Victorian government, although it has privatised regional ports, through infrastructure spending in its state (whether private or public) has ensured that operators have the correct infrastructure to position those industries to be competitive and to win future business.

The South Australian government, in this privatisation and in others, has not looked at the competitive advantage of South Australian industries. It has merely been in a rush to get the money from these asset sales. Whether or not it is an ideological position, I do not know. I think the industry and the people of South Australia have every right to call for some sort of strategic statement from this government as to where it is heading with these corporatisations.

From the point of view of Sea-Land and the grain industry, it certainly seems that there is no strategic direction from this government. The actions that the government is about to undertake undermine the competitive position of the two industries and that is not in the long-term economic good of this state and, more particularly, the long-term economic good of those industries. These industries are very important to the state of South Australia for its job prospects and economic opportunities, and for the future ability to direct the development of this state.

The Victorian Regulator-General's report contained a caution about private owners acting as landlords extracting the maximum rent rather than encouraging integrated progress of port and industry. It seems that the government is content to allow this to happen: that it sells to the highest bidder and that it does not put the conditions in place that would integrate the development of this state and its important industries properly.

Strategic development plans are mentioned in passing in this disposal bill but not explained at all and not elaborated on. It is an extremely poor state of affairs and one of which every member of the government should feel ashamed, especially those members of the government who are involved in any of the industries which use the port facilities, such as the wine industry (which is a heavy user of the stevedoring facilities), anyone with grain growers in their area, or anyone who has a port in their electorate: they should feel very nervous about the passage of this legislation given the great reservations held about it by the industry.

There are other significant issues outstanding, such as environmental issues. The opposition believes that, in the short term, the dredging of the port of Adelaide is essential for the continuation of a competitive port structure and a competitive industry structure. We are, nevertheless, concerned about the environmental aspects. We believe that, if there is a will by government and the industry, those environmental considerations can be overcome. I understand that environmental tests are occurring in the channel to discover what is contained in the silt of the channel and what happens to that silt if it is, in fact, dredged up. I am not sure who is carrying out that testing or when it is expected to be finished. I understand that it is not finished, and the composition of the sediment is not at this stage known with any certainty. This House should know before we pass this legislation what will be the environmental effects of the dredging process itself, where the silt will be disposed and what will be the environmental effects of that disposal. That is an another very important issue, which I understand is unresolved.

Another unresolved issue is that of local government concerns about its loss of control of zoning approvals and consent to use. Indeed, I received a letter just this morning from the Local Government Association which confirms that it has concerns about the process. Its two main concerns are the recreational access agreements and the development plans and procedures allowed for under this bill. I will deal first with the development plans and procedures and afterwards move on to the other very critical issue of recreational access.

According to the LGA, this is a proposal to unilaterally zone the council areas affected by the bill and undermines the whole-of-government approach to development and strategic planning. The LGA lists the councils that will be affected by these bills. They are: the District Council of Ceduna, which has the Thevenard facility; the Copper Coast Council, with the Wallaroo port; the City of Port Adelaide Enfield, which has Port Adelaide Inner and Outer Harbor; the City of Port Lincoln, which has Port Lincoln port; Port Pirie and Districts, which has the port of Port Pirie; and the District Council of Yorke Peninsula, which has Port Giles and Klein Point. The LGA says:

Councils directly affected are concerned that the process is being rushed and that this increases the chances of problems arising in relation to the sale-lease process. The LGA considers that it is imperative that the bills are given careful consideration to ensure that all matters are addressed. The LGA seeks your support to ensure that the process allows sufficient time for all parties to review properly the proposed legislation in order to guarantee the effectiveness of the legislation.

It is my understanding that that has not taken place up to now. I have a separate letter from the City of Port Adelaide Enfield regarding its concerns. It points out, in a letter sent on 11 May 2000:

With respect to the Port Adelaide Enfield council, the proposals before parliament are particularly of relevance as the council, in partnership with the Department of Industry and Trade under the auspices of Planning SA, have been undertaking an extensive review of Gillman and Le Fevre Peninsula for the past five months to determine the long-term capability of the land affected by the bill. The council has in good faith agreed to make a contribution of $25 000 to match the government's input of $25 000 to undertake

a study which would have led to an orderly transition of zones in an orderly and consensus fashion. The bill has been prepared in a manner so as to make the current study virtually useless and a waste of the council's financial contribution, all without any prior warning or notice. The partnering arrangement entered into by the government with council would now appear to be no more than a sham.

I believe that these are very serious issues. The government allows itself under this bill the ability, as the LGA has said, to unilaterally rezone land in and around the ports area and to say what industries and what uses have consent within that bill. As I said, it is unacceptable, given that the government announced publicly the sale of the Ports Corp in early April last year (and, presumably, was considering it well before then). It had made these arrangements with Port Adelaide Enfield council, and one would have thought that in that period of over 12 months it would have ample opportunity to consult with the councils involved and to obtain their agreement to any changes made. We know that this government makes mistakes; we know that it gets things wrong; and we know that the people who are on the ground and dealing with these issues as local issues every day are in the best position to point out where the government may well have made mistakes.

The issue of recreational access is another concern of the Local Government Association and is, indeed, a concern of the South Australian Recreational Fishing Advisory Council. This is a very important issue to those regional ports as well as to the recreational fishers and the tourism industry. Some of those ports, including Port Adelaide, are important areas for tourism and fishing. The minister put out a press release saying that recreational access was assured. However, that is not strictly the case with this bill under consideration. The bill allows for recreational access agreements, and clause 16 provides:

> The minister will, as a condition of entering into a sale/lease agreement with a particular purchaser, require the purchaser to enter into an agreement (a recreational access agreement) governing access by the public to land and facilities to which the sale/lease agreement applies.

However, no time limit is placed on that agreement; there are no conditions about trying to ensure that maximum access is allowed. This will outrage many of those recreational fishers who rely on those ports for their normal recreation, and it will also outrage a number of those tourism operators who rely on people coming to those ports for their fishing. It again places undue faith on the sale process and whoever may, as the favoured bidder, win the right to own and operate those ports. The opposition will move an amendment which will ensure that access is guaranteed to at least the current level of access to the public, and I would hope that the government will agree with that proposition.

There is also an issue with respect to commercial fishing. The bill also allows for agreements between the port operator and commercial fishers to have the access they require to port facilities. Again, this matter has become an issue in the privatised Victorian ports where the commercial fishers are not seen as being a particularly profitable enterprise for the port operator. Commercial fishers are complaining that they are being gradually forced out by increased charges and lack of service.

The commercial fishing agreement in the bill, again, does not contain any assurances that commercial fishers will have the access they require, nor does the bill place any time line on finalising that agreement between the commercial fishers and the new port operators.

I want to deal briefly with industrial relations issues. The Maritime Union of Australia was consulted reasonably early in contrast to a number of other interested persons in the Ports Corporation. A memorandum of understanding was developed which the MUA is prepared to accept. Nevertheless, the MUA would like to see the long-term viability of its industry assured. The MUA is very concerned about the stevedoring aspect of the operation and, in that respect, it has been involved in discussions with Sea-Land.

This government has not allowed (as occurred with the ETSA sale) for any distribution of the proceeds of the sale of the Ports Corporation assets and the leasing of the Ports Corporation. The opposition will be moving an amendment to ensure that any proceeds of the sale of the Ports Corporation will go either to debt reduction or to the provision of port infrastructure, and particularly the dredging for the deep sea port, which we believe should proceed. The minister finds that amusing—I am not quite sure why.

The Hon. M.H. ARMITAGE: I rise on a point of order, sir. I am laughing at something in this letter.

The SPEAKER: Order! There is no point of order.

Ms HURLEY: I have dealt particularly with the infrastructure of the port of Adelaide in this contribution, but port infrastructure in other ports around South Australia need attention as soon as possible. That is very important infrastructure not only for the survival of those ports but also for the competitiveness of the industry that uses those ports.

Those remarks sum up the opposition's difficulties with this legislation, which does not contain enough guarantees about the long-term viability of the country ports. There is not enough guarantee about the long-term viability of, indeed, the port of Adelaide. The opposition is concerned that there are so many unresolved issues and that so many agreements have not been made. The government has left all of this to a very late stage.

Mr Venning: What are you going to do? Are you supporting it?

Ms HURLEY: I can assure the honourable member that we will oppose this bill strenuously. I cannot see how the member for Schubert, or any of the other country members in the government, can, in conscience, support this bill when those guarantees, particularly with respect to the stevedoring industry and the dredging of the port to provide deep-sea facilities, is not assured by the minister. It would be completely irresponsible of this House to pass this bill when those guarantees are not in place, when those assurances are not there, when those industries cannot go forward through this process with confidence and with a minister who, thus far, has refused to talk to a number of the players and is only now having serious consultation with several key players.

This bill is not in sufficient form for this House to pass. Given that the government has had to make an admission of errors with respect to the ETSA legislation, I can only be concerned about the state of this legislation and that the government might have to come back to the House with further amendments. I am very concerned that it may all be too late if we pass this legislation. It has been suggested that we should pass this legislation in this House but, in the week between its passing here and its reaching the other place, have in place the assurances, guarantees and amendments that are required to have it in reasonable shape.

I suggest that that is not good enough. Members are here to represent the industries and their employees within their electorates. In no circumstances should members allow this bill to pass this House without the requisite assurances.

Certainly, the opposition is not about to be so irresponsible as to allow that to happen.

Mr FOLEY (Hart): As the local member for Port Adelaide, it is important that I put some views on this bill on the record tonight. I will begin my remarks prior to dinner and conclude after the dinner adjournment. From the outset, this has been a disappointing exercise. This legislation is an example of how not to win support for a privatisation process. I have said from the outset that I am one of the minister's (the member for Adelaide) few fans in this place. However, on this matter the minister has disappointed me greatly—as, indeed, he has on a couple of bills with which we will deal tomorrow night.

The minister has failed to consult properly to bring the players and the interest groups together to see whether or not there is a way through this. This legislation has not been properly thought through. The outcomes from the legislation, should it pass parliament, have not been properly thought through. There are members opposite, as I know there are members in another place, who are of an independent nature and who have some concerns and reservations about this bill. The member for Schubert, and perhaps the member for Goyder, as well as the members for Stuart and Flinders, must think very carefully about this legislation. I would not be telling tales out of school if I said that the government is not travelling that well in the bush.

Mr Venning interjecting:

Mr FOLEY: I do not know about that.

Mr Venning: You won't win my seat.

Mr FOLEY: The member for Schubert will need our preferences if he plans on coming back here for a fourth term. This is a sensitive issue in regional South Australia, and we saw that from the outset. Let us not pull any punches: the government, for clear political reasons, quickly withdrew the ports of Kangaroo Island from this legislation. The former Premier, the member for Finniss, was somewhat uncomfortable with the prospect of including Kangaroo Island. I do not know whether the decision involved anything other than pure politics: it would be easier to remove Kangaroo Island from the debate than to try to battle it through.

Certainly, as the bill relates to the port of Adelaide I have a number of concerns, as I have about some of the wider issues in terms of the way in which current operators, such as Sea-Land, have been treated by government and, indeed, the way in which, in my view, other companies involved in the port of Adelaide have not been properly consulted. Unfortunately, the way in which the minister has gone about this privatisation means that he has missed an opportunity to convince members in this and the other place of the merits of his argument. Perhaps, had it been done differently, other people may well have been more interested in hearing and listening to the arguments for the sale.

However, the manner in which this legislation has been dealt with is not good at all. Certainly, as a local member, I have not been consulted directly on local issues to the extent to which I would want to be consulted. I acknowledge that the minister has spoken to me on a couple of occasions, but I would have hoped that consultation would be more forthcoming. I do not know about the level of consultation with communities within the electorates of Schubert, Stuart, Finniss and Goyder, but there are a number of issues. I have a number of constituents, be they sporting, rowing or sailing clubs, industries and small and large business all along the Port River that are affected by this bill, so I intend, through my contribution after dinner, and most particularly during committee, to explore those issues in some detail.

[Sitting suspended from 6 to 7.30 p.m.]

Mr FOLEY: Prior to the dinner break, I was outlining how I, as the local member for Port Adelaide, am disappointed in the process that the minister has put in place. It is a process for which consultation has not been a priority. Notwithstanding a number of policy discussions I have had with the minister, at no stage—and I emphasise that—was I approached by government officers to discuss issues relating to land that affects the constituency of Port Adelaide. From the outset, it would be fair to say that we have had a fairly difficult time over the past two or three years when it has come to issues of land use on Le Fevre Peninsula. The government's decision to site the Pelican Point Power Station was taken with no consultation with the local community, industry or anyone in the port. It was simply a decision of government. To quote government advisers at the time, when they came to Port Adelaide, they were there not to consult with us but to tell us.

Of course, after that a ship breaking industry was proposed for Port Adelaide, and that was championed by many within government. Thankfully—and I acknowledge this minister—a number of people in government thought that was not the smartest project that could be dreamt up for that area. I would argue that it is not the sort of project anyone in Australia should be actively supporting, but that is a personal view. We saw the move to have the ship breaking facility put at Port Adelaide thankfully defeated.

This process involves large tracts of land. The port of Adelaide is a working port. I am not here tonight advocating that it should be anything other than a working port. Some in my community would like to see Port Adelaide move aware from being an active port to being a residential recreational area. That will not happen. It is not good for our state's economy, nor is it the right thing to do for the port. We are a port. We are the state's working port. We accept our role as a working port. However, the ability for residents, industry and the port to collocate and coexist is very important. Through this process, one of my underlying concerns is that there has been no consultation—and I repeat that: there has been no consultation—or offer of consultation and no face-to-face discussion with government officers about how the disposal of Ports Corporation land will affect the Port Adelaide community.

A variety of issues are involved. I am sure other members tonight will be able to reflect on how their ports affect their local communities—whether it is a sheep ship at Port Adelaide that stays a little longer than expected and runs the air-conditioning for an extended period (and I have to make the odd phone call to see whether we can have something done about that), or issues relating simply to the port's interaction or interface with the community; for example, buffer zones at North Haven or the use of land in other parts of the community. That is all a part of the dynamic of interaction between a working port and the citizens who live in that area. I am concerned that, through this process, I have not been approached by government to talk those issues through. In the absence of those discussions, I have to make a value judgment. Ultimately, I am elected as the member for Port Adelaide. My job is to represent the people who live on Le Fevre Peninsula. We are elected as members of parliament to represent our constituents, and sometimes that brings us

into conflict with government decisions and policy decisions of our respective parties. I feel very strongly about this issue.

I repeat: had the government shown a propensity to negotiate, discuss, and talk and work through some of these issues, I might have had a different view on some of the aspects of my criticisms that will eventuate through the committee stage of the bill, but that did not occur. We have the dredging of the river, as the Deputy Leader (the shadow minister), has pointed out. That is an extremely important issue for the economic development of this state. I absolutely support the need to dredge that river to make sure that we continue to be a vibrant working port. There are issues of environmental concern about the waste or the material that is dredged from the bottom of the river. I have not heard from anyone in government with regard to their plans or proposals, or how they intend to dispose of it. Again, that indicates a lack of consultation when it comes to the local member.

Issues have been raised about the zoning of land on the Le Fevre Peninsula. I come back to my earlier point that it is not unreasonable that people in Port Adelaide are extremely sensitive about further industrial development along Le Fevre Peninsula. That is not to say that we should not have industry; indeed, we should. We should have compatible industry with a working vibrant port, be it warehousing, intermodal services, transport services—even light manufacturing. I have no problem with that. That would be a smart use of land around the water's edge, back from the water and through the port. I do not want to see any further smoke-stack, polluting industries. I do not know the correct planning terminology for this, so I will just resort to words that I can use. I do not want any more factories spewing smoke into my community on Le Fevre Peninsula. As far as I am concerned, for the Port Adelaide community—for Taperoo, Osborne, Largs, Le Fevre, Peterhead and North Haven—all throughout the Le Fevre Peninsula, enough is enough. We have the Torrens Island power station, We will have an upgraded Torrens Island power station. We have the Cube power station, Penrice, Adelaide Brighton, Adelaide and Wallaroo—

The Hon. M.H. Armitage: Were they there when you bought your house?

Mr FOLEY: They were indeed. The minister lives in leafy North Adelaide, so I can understand how he doesn't care much about how people in Port Adelaide live.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: I am glad that the member for Adelaide is exposed here. It is that establishment side of the member for Adelaide that just cannot help bubbling out. Many people choose to live in Port Adelaide because that is where they were born, where they were raised, where their family is and where they want to live. The ritzy snobs from North Adelaide might want to come to Port Adelaide and impose their elitism. The minster can take this as read: I will do all that is necessary from this day forth to ensure that this bill does not pass, ever. I will talk to my colleagues and acquaintances in another House. The honourable member has just lost me completely.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: The snob from North Adelaide, the member for Adelaide who lives in a leafy boulevard street, thinks this of the plebs in Port Adelaide, 'Who cares about the people in Port Adelaide? Did they choose to live there? They knew the factories were there.' Indeed, the factories are there. We choose to live in Port Adelaide, and we are proud of it. We want to live there. We will defend the rights of the people of Port Adelaide against this elitist minister, government—

An honourable member interjecting:

Mr FOLEY: Another snob from Mitcham up the back—

An honourable member interjecting:

Mr FOLEY: —and a snob from Clare. We in Port Adelaide are offended by the suggestion that we should have a different standard of living from that of the elitist ministers of this government. I should have thought the member for Adelaide would be more careful in his words. He can rest assured that that little contribution will be distributed widely in my electorate.

An honourable member: Who cares about—

Mr FOLEY: 'Who cares about my electorate?'—another interjection from a senior government supporter. The member for Schubert asks who cares about Port Adelaide. I am elected and I care. If Liberals do not care for Port Adelaide, the people of my electorate can be confident in the knowledge that their member cares, even if the Liberal government does not care. You never know. You could have discussed some other issues with me, but you have lost me completely now that your secret agenda has been exposed.

Members interjecting:

The SPEAKER: Order! The member for Hart has the call.

Mr FOLEY: My community certainly has done its bit in terms of contributing to this state's significant economic development, be it Adelaide Brighton Cement or whatever. Putting on my hat as shadow Treasurer, I refer to this government's agenda on privatisation. We all know what this government wants to do between now and the next state election. It sold ETSA, having had great difficulty in doing so. I hope that your consultants are able to offer a little better quality service than the consultants involved in the ETSA lease and that they are a little more diligent in the way they have gone about this process.

Let us think carefully about this government's privatisation agenda, put aside any economic argument or rationale for the sale of the Ports Corp and look at the bottom line use of the money they will get from the sale of Ports Corp. This budget for the forthcoming year is a budget in deficit to the tune of $84 million because they have creamed $86 million off the Adelaide Casino sale. They used an asset sale to alleviate the need to put in $86 million of state money out of consolidated account to fund unfunded liabilities. It was a switch, a fraud and a trick, but it balanced this budget in cash terms. In an accrual sense it is in deficit and Standard and Poor's have said that it will be in deficit for the next four budgets. I know what you will do with the proceeds of the sale of Ports Corp, as you want to do with the TAB and, most disappointingly, what you want to do with the Lotteries Commission. You will use those proceeds to alleviate the need to properly structure your budgets over the course of the next two years—your remaining two years or 18 months in government—to fund your budget bottom line to enable you to pork barrel your way to the next election.

This government knows it is gone. This is a government that knows that it has no political future beyond the next election. The only opportunity this government has is to pull some rabbits out of the hat, some cash out of the bottom drawer to throw it at the electorate to build a few monuments and make some unfunded promises and do something with the emergency services levy. What better way to do it from their way of thinking than to cash in a few state assets? If you think I am not telling the truth, look at the last budget and the

fact that the government draws off $86 million from the $186 million sale of the Casino to do that very thing. Do not for one moment think the government will do anything differently with the sale of Ports Corp, the sale of the TAB and the sale of the lotteries. We will not let that happen.

I will say a little more about Sea-Land later. The former Labor government, with the support of the Shipping Users Group and the Chamber of Commerce, removed an inefficient poor container terminal operator some years ago at a significant cost to the taxpayer and brought in Sea-Land. What has Sea-Land done? It has had best practice container lifts. It has beaten every container lift standard around the nation. During the wharfies' dispute they were matching and bettering the very targets and benchmarks put forward by Peter Reith. This government wants to move them on. They are not prepared to acknowledge that Sea-Land played a very important role in taking our container port from a minuscule container lift rate to a very strong number which is growing. Nobody on this side of politics is advocating that there should be an absolute monopoly for Sea-Land. Of course it should have competitive pressure.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: The minister laughs. The minister does not like Sea-Land—we know he does not like Sea-Land, because Sea-Land did not play to his agenda and the agenda of his friend, Peter Reith, during the wharf dispute, and for that Sea-Land is being penalised by this government.

The Hon. M.H. Armitage: Rot.

Mr FOLEY: Make no mistake about it—Sea-Land is being victimised for not dancing to the tune of Peter Reith some two years ago. Sea-Land has met best practice and has given our port an edge. I am not suggesting that it should have an absolute guaranteed existence down there without competition.

The Hon. M.H. Armitage: Yes, you are.

Mr FOLEY: No, I am not. We will go through this in committee. You do not have enough container lifts to sustain two container operators. You know that; your advisers have told us. They have told us that 180 000 container lifts is what you need to have two operators. We are running now at 130 000—work it through. Sea-Land has a four-year lease remaining. It needs to invest in the port of Adelaide, but they have treated the company with contempt.

Mr VENNING (Schubert): This debate involves a very important issue—probably the most important in my 10 years in this place. I initially declare my interest in this bill, first, as a grain grower and, secondly, as a member of South Australian Cooperative Bulk Handling—a company vitally involved in this process and as a long time advocate of deepening and upgrading our ports system. We had a Rolls Royce system in 1995. We went to the bulk handling of grain and had one of the most modern systems in the world when we put in the infrastructure. It was a Rolls Royce system. Today the 'Roller' has not been upgraded and it is clearly behind present acceptable industry standards. We are fast becoming non-competitive, particularly in relation to the handling of large ships.

Our industry is looking for guidance and leadership in this debate tonight. I listened carefully to what the member for Hart just said. I agree that he has a passion for Port Adelaide as a working port, but we have tried for 30 years through Liberal and Labor governments to have this port deepened and it has never happened. This evening I tie my support of this legislation to the upgrading of these ports. I honestly believe that it is the only way it will ever happen. Our industries, not only the rural and grain industries but all our exporters, are looking for guidance and leadership tonight in this debate. I can understand members' anxieties. The member for Hart would have to agree that the only future Port Adelaide has is to have it upgraded and deepened, whether Outer Harbor, Port River or both.

I support the sale of the ports on the one condition: that it is the vehicle to upgrade and deepen the port. That is my deal and my position. I can stand in my place and say as I wish and I speak from my heart on this matter. I do not have to kowtow to anybody in this place and I am not doing so. This has been an issue for over 20 years in our industry. We have had three widely publicised reports, four committees set up to look at this issue and still we cast about for the answer. Wheat, barley and our grain industries generally have been a key to our state's success for over 100 years. They have been a key export earner for generations, and they have been so successful because they have been the most efficient not only in Australia but in the world, with no subsidies and no price maintenance.

Our producers have battled against the odds and because they have done so they are still mean and lean and are looking for everything the government and industry can give to keep them efficient. One of the biggest problems today is that the cost of getting their grain on the export markets is being hampered by having to be tied in using small ships, particularly in respect of lower priced commodities like feed barley. Our exporting competitors are using very large ships to export these lower price grains and it reduces the cost of freight by about half. That half is often the only difference between being viable and not viable. There is a threat because our ports are becoming inefficient and we must have the option of the least cost pathways with our inability to load large ships. The panamax ship is a term we hear a lot about in this place. A panamax ship is one between 50 000 and up to 79 999 dead weight tonnes and, as they are now the world norm, we must have the ability to load them at our key ports.

An honourable member interjecting:

Mr VENNING: As the member for Hammond reminds me, it comes from a ship that was capable of traversing the Panama Canal; it is the largest possible ship; any bigger ship will not traverse the canal. But already we are seeing bigger ships on the horizon. These larger ships which are called cape ships are in excess of 80 000 tonnes dead weight. We are talking about giving up a port to handle panamax ships, yet already larger ships are being built. I believe that we should be planning for the future, not just for today. But at least two of these ships are coming to South Australia and are logged to visit South Australian ports in the next few months.

Before I came to this place, I had input into much of the decision making processes over many years, and I agree with the final report of the South Australian Deep Sea Port Investigation Committee, dated January 1999. My support of this bill is totally dependent on the recommendations of this report's being agreed to and implemented. The four recommendations in the report are as follows:

The Deep Sea Port Investigation Committee recommends that:

1. The development of the grain ports at Port Giles and Port Adelaide (inner harbour) to full panamax capability, and Wallaroo to part panamax capability.
2. Development of the grain export facilities to be staged over a five year period.
3. The grain industry approach both the commonwealth and state governments regarding funding and support for the proposed port developments.

4. Detailed project planning and implementation of the developments at Port Giles, Port Adelaide (inner harbour) and Wallaroo commence immediately.

Recommendation No. 1 is by far the most important recommendation, that is, the upgrade to full panamax capability. That is the industry position; it is made quite clear; there is no argument.

Mr McEwen interjecting:

Mr VENNING: That is the position of the Deep Sea Port Investigation Committee as I know it still to be—and that is the third report. I believe that the only way this can come about is to include it and, even better, to lock it into the sale process—and I have spoken to the minister about this—and even into this bill, so that it can be achieved concurrently. I know it can be done contractually afterwards, but I would like to see it in the bill so that, if we pass this bill, there is no doubt whatsoever about it. I know what the political process is like: governments come and go and time passes by. We have been here before and still nothing has happened. I hope this is a point in time when something can happen—and that is why I am supporting this bill.

I have appreciated the extensive briefings given to me and my colleagues by the minister. It is a very complex issue and, certainly, I know that the minister gets somewhat frustrated, but what he is doing is difficult indeed. I am confident that in the end we will come up with a very good situation. We have other pressures, including the influence of the Victorian ports, particularly the port of Portland. It is purely a political decision whether to promote our own port of Adelaide or to use the Victorian port of Portland which has full panamax capacity. Do we recognise the existence of the state border as a boundary? Will we put the future of Port Adelaide at risk if we do not upgrade it fully? It will then play into the hands of those who want to promote Portland.

We are seeing other rail operators, apart from ASR that operates our grain paths at present, and huge companies such as Freight Australia (which is backed by Freight America) coming onto the scene and others who are wishing to get involved. Freight Australia has recently taken over all the western Victorian lines and is now eyeing off our South-East lines. It will be very difficult for us to keep the company out, because this company obviously wants to use Portland as its hub and will pull grain from as far away as Tailem Bend if we allow it.

In the end it will be the cost of the freight that decides which way the grain path will go. Certainly, decisions we make here will be reflective of decisions made by industry as to which ports succeed and which ports fail in the months and years ahead. This is a very important decision which will impinge on many other decisions, including rail decisions, road upgrade decisions, and so on.

I understand that the government does not require legislation to sell the ports: I believe it can do it in any event if it wishes. Apparently, that fact has not been refuted. I agree that legislation would be the much more preferable way to go, because then it is done without the heat and political acumen that would follow a path such as that. Also, I am happy that all proceeds of the sale be guaranteed and not just lost to general revenue—and I understand that is the case in any event.

Industry wants an iron-clad guarantee that the upgrade process is intrinsically linked to the legislation to sell. If not, I believe the industry, grain growers and rural exporters will be happy to leave the situation as it is. The status quo is an option, I am afraid to say, but that will not get us anywhere: that will not save the port of Adelaide, as the member for Hart said a minute ago.

The South Australian ports already have the highest charges in Australia at $1.50 approximately per tonne compared with only 20 cents at Portland. One does not have to be a great mathematician to work out what would happen to all the grain halfway between the two ports—and Portland, of course, has panamax capacity. That is why it is cheaper: it can load large ships very quickly. When we talk about $1.50 per tonne here in South Australia, I know it is a port averaging position, but to change that system to an actual port costing would be a very different and difficult political exercise. That then brings other forces to bear. Certainly, $1.50 is an averaging across all our ports, but if we were to change that and put the actual costs on the port let any member say that: I will not support it because it will cause all sorts of problems which need not confuse the issue now. If there is an interim period, I would support the setting up of a working party to take the whole issue out of the current arena.

Some people have accused PortsCorp itself of delaying tactics (which is debatable), but a working party would solve that. There is debate about the dredgings in the Port River. Someone told me that PortsCorp put down bore holes many months ago, but nothing has been heard about that since. That issue will be a pivotal part of this argument, that is, whether the silt at the bottom of the Port River is able to be deposited on land—which would be the cheapest option and which would create an asset on a land area. If it is not suitable, if it is contaminated—and I hope it is not—certainly it would create other complex problems which would add massively to the cost.

The Environment, Resources and Development Committee, of which I am chair, has asked questions of the EPA in relation to this matter.

Mr Clarke interjecting:

Mr VENNING: At least we all are speaking with one voice; we all have a desire to make this work—no ifs or buts.

Mr Clarke interjecting:

Mr VENNING: That is what happened at Patawalonga. We stuck the Patawalonga dredgings on land—and they are still piled up under the net. What will become of that? We hope and pray the dredgings from the bottom of the Port River are environmentally friendly and can be deposited on land to create a land mass which, in turn, becomes an asset rather than a liability.

I am concerned at the utterances by the Democrats in relation to this issue. They are talking about the contamination of these dredgings and whether they will be deposited on land. How do they know? If there is any doubt at all, why do they take the negative? Why do they put the fear of God into people? Why do they give people false hope that this is the way to stop the whole project? I get cross when politicians get up and say, 'It's contaminated.' Who knows?

Mr Clarke interjecting:

Mr VENNING: Certainly. The position of the Labor Party is bewildering because they talk about our working port of Port Adelaide, as the member for Hart said earlier, whereas if it is not upgraded very soon I believe it will become just a fishing port being unable to fully load these larger vessels. Another 30 years will go past and the member for Hart will go through his political career on the opposition benches and not achieve anything. We should be looking at a bipartisan approach on this issue, because the only way Port Adelaide

has a future it if it is upgraded and deepened. There will be stumbling blocks in our way; that issue has to be debated.

Mr Foley interjecting:

The SPEAKER: Order! The member for Hart.

Mr VENNING: I believe that Port Adelaide is pivotal to the success of South Australia; its roads and rail are the hub. Other events are happening concurrently with this issue and one is the future of Ardrossan, which is held by a BHP indenture. We all know that BHP is divesting itself of all its indentures, and this indenture will come back to the state government and then what will happen? I was curious to see that there has been some action here in the past couple of days. I do not want to see this port offered for sale, because it will confuse the total scene. The worst scenario would be for CBH to buy this port and then, because it cannot sort out the others, upgrade Ardrossan.

Mr Foley interjecting:

Mr VENNING: Port Adelaide is not my port: it is a port for South Australia. Ardrossan could be classed as a red herring at this stage. It is uncanny that, at this very time that we see the indenture of Ardrossan coming off, I gather that BHP will offer it for sale; so, whether or not the government has the indenture is a very debatable point. The future of the South-East rail lines comes into the equation right now. If we sell them to a rail operator we must ensure the rail operator upgrades both lines—the north and east lines—because if it upgrades only the east line it means that Portland will be the only port servicing the South-East of our state. That also impinges on this decision.

The Outer Harbor option was raised again. I have always asked why we would want to build a major port up the creek when we can go around the corner onto the open sea so I have always supported the Outer Harbour option. We know that bigger ships are coming, and they will continue to come. I gave away that argument some time ago, because I did not want to delay the process and did not think it was achievable, but perhaps it is, and I hope it is, so we should possibly create an interim period so we have some time to consider it in here for the last time. In the long term I am sure that the people of South Australia will thank us if we pause now and say that the best place for this port is at Outer Harbor, not up the river, that is, the Port River, because trying to turn a panamax ship in that confined area is very difficult. Unless we go to a full upgrade they cannot be floated out full, anyway. It is all very well for pundits to say we can half fill a large ship with barley and float it to Port Giles to fill up there; that is an added cost. And how will we do it with wheat? How much wheat do we get at Port Giles? Very little; it is all grown at the northern part of Yorke Peninsula or elsewhere in the state, not on Lower Yorke Peninsula. So, where will the wheat come from? Where will we fill up the wheat boat? It will be at Port Lincoln, but look at the costs of that, because Port Lincoln costs are also very high.

Outer Harbor is my preferred option, but I do not want to propose it because I think it will delay the process unnecessarily, but if we had time it could be considered. The Port River option will probably involve $30 million dredging and $30 million infrastructure expenditure by CBH, totalling $60 million. It is well on the way to building all new infrastructure. I can remember years ago standing with my late father who was Chairman of CBH, and the late Duke Acton on the Port Lincoln jetty as they discussed whether they should spend $15 million just to do the job to load average ships or $35 million to extend the wharf so they could load panamax ships. They decided to bite the bullet and put all the growers into heavier debt to build a super port. Thank goodness they did, because it is the only port we have today that can fully load panamax ships in all weather. I remember that with great clarity. I say we should not be penny-pinching right now, but we should build the best facility. I reiterate my support for this bill, contingent on a guarantee of a three-port upgrade, as recommended by the South Australian Deep Sea Port Committee, 1999.

Mr CLARKE (Ross Smith): I support the comments of the deputy leader and the member for Hart. I will not repeat all the points they have made, because they have made them quite succinctly, and they are areas I agree with. However, I want to make some comments with respect to the member for Schubert and some of the speakers for the government who have yet to speak. Perhaps I am using a process of osmosis, but I think I can fairly well predict what they will say, which may vary a little but it will essentially follow the member for Schubert's argument. The fact is that the Ports Corporation is a profitable public enterprise. There is no reason for it to be sold to the private sector. As the member for Hart pointed out in his interjections to the member for Schubert, when it comes to upgrading the Port of Adelaide facilities it is a question of priorities.

Here we have a government in which members of the Liberal Party opposite adhere to a philosophical line that they do not mind wasting $30 million on a white elephant in the Hindmarsh soccer stadium or $10 million for the West Beach groyne boat harbour, which is destroying our beaches and our environment in that area. They do not mind wasting millions of dollars on EDS and Motorola and $28 million on subsidies to the Australis company—which failed—but they will not allocate the money necessary to upgrade the Port of Adelaide, which is already earning a profit for the people of South Australia and is able to take in those bigger ships and do the productive work which we want, and still keep it in public ownership for the benefit of all South Australians, in perpetuity. It is a question of the allocation of resources, and this government has mismanaged or resources absolutely shamefully.

The most recent example was last week with respect to the foul-up on ETSA. Despite this government's saying it does not cost the taxpayers any money, let me simply say that as a South Australian I felt acutely embarrassed to have such a dumb government in charge of this state to make such a stuff-up that it took a public servant earning less than $100 000 a year to wake up to this mistake. We as a parliament had seen $90 million taxpayers' money pay for expertise which could not pick up a basic mistake that a public servant earning less than $100 000 a year could pick up. I felt ashamed and embarrassed. I have just returned from a trip to Asia looking at underdeveloped nations that are striving and making giant strides to overcome their disability and underdevelopment, and I come back to this state to have confirmed to me that we are being led by the bunch of no-hopers and clowns we have operating as the government of this state. I felt embarrassed as a South Australian. We are a laughing stock throughout Australia and overseas, to be led by a government of such ineptitude.

It is not just the ETSA deal of last week; let us go back over a little bit of history. Whatever this minister has privatised he has stuffed up. Whatever this government has touched when it has privatised a public enterprise has cost the people of South Australia money. We only have to look at the magnificent deal that this minister did as minister for health

with respect to Modbury Hospital. 'Oh,' he said when he came into the House in the last parliament, 'I have an iron clad guarantee. I have a contract which locks the private enterprise company into fulfilling certain contractual deeds and, if they do not do it, we will fine them. They are bound hand and foot to these contracts.' Have we seen the minister front up to the Supreme Court to enforce the contractual rights of the people of South Australia? Not on your life. This minister as part of the government has sat back and allowed Modbury Hospital under private enterprise to simply cut services, dismiss staff—

The SPEAKER: Will the honourable member tie up some of those remarks to the bill?

Mr CLARKE: I certainly am doing so, sir. I am saying that this minister has form. I understand he likes the horses. He runs last on every occasion that he is in charge of a bill where public enterprise has been privatised. We only have to look at Modbury Hospital to see where this minister has form and where the public of South Australia has been short changed both in cost terms and in the delivery of service. We will see this repeated with respect to the TAB and the Lotteries Commission when we debate that tomorrow. We can also look at ETSA and the privatisation of the water supply.

We were given assurances in this House in the last parliament that when the Adelaide water supply was privatised there were rock solid guarantees—ironclad contracts—that made sure that the private enterprise operator would deliver a certain minimum level of services or they would face hefty financial penalties. Well, United Water has breached a whole range of important contractual guarantees, not least being majority Australian ownership with respect to the setting up of other companies and new employees in this state, and a whole range of quality control measures they were expected to meet under their contract which were not fulfilled. We know that when the whole of the government's information technology operation was outsourced to EDS the Premier said (he was then the Minister for Manufacturing and Industry)—it may even have been the former Premier, the member for Finniss, who also said—that EDS was locked into minimum quality control contracts in terms of services delivery and cost.

Despite blow-outs in costs and the non-performance of the contract, this state government did not take them to the Supreme Court to enforce those contractual arrangements. Why? If they had come to me I could have given them some good advice that was very cheap and more accurate than they got from their QCs. At the end of the day, they are not game to take them to the Supreme Court: first, because they would expose themselves as the bunch of clowns they are in terms of the agreement they entered into; and, secondly, if a company the size of EDS can stand off the state of Florida in the United States with 13 million people and browbeat and almost bankrupt the state of Florida so that Florida cannot enforce its contracts, the state of South Australia is in no position to enforce its contractual arrangements with EDS. So, that has been a failure as well.

This government has form and this will be another botched job. Within months of any successful legislation passing through this parliament on privatisation, there will be another knock, knock at the door by the Treasurer going in to see the Premier and saying, 'You wouldn't believe it but there's been another mistake', and what will the Premier do? Well, if he had any brains he would reach for a gun and deal with his Treasurer in the appropriate fashion. This Ports Corporation issue is an absolute disaster in the making and the minister concerned has form.

I will also deal with the recreational fishers—I cannot stand that term: fishermen, and I acknowledge that women fish as well. I will not go through all this politically correct neuter gender and then I have to examine myself in the mirror to find out what I am. Clause 16 will be dealt with in committee. All that clause says is that the minister, on entering into a sale or lease agreement with a purchaser, requires the purchaser to enter an agreement governing access. That agreement will be between the local government body and the purchaser. First, it does not say that there has to be free public access to the jetties. An agreement can be made under clause 16 between a local government authority and the purchaser to impose an entrance fee for members of the public to fish off the jetty and it will be lawful. It will not be the free public access that we now enjoy. I am not much of a fisherman but I do enjoy the odd bit of fishing off the Wallaroo Jetty in the member for Goyder's electorate, and so do many others. There is something like 450 000 to 500 000 recreational fishermen in this state and if this government—which is even further down the tube politically than I thought possible—wants to totally destroy itself beyond recognition it would be to see some smart agreement entered into between a local government body and the purchaser of the Ports Corporation to allow for entrance fees.

The member for Schubert looks worried. I suggest that he read clause 16. In clause 16, where does it say that public access must be free? It deals only with an agreement between the local government body and the purchaser. I am a bit suspicious. Local government is just as rapacious as state or federal governments of whatever political colour and if a nice deal was done between the local government authority to say, 'Well, let's just charge 50 cents or a $1 a head for the use of the jetty', the wedge is in. And it will increase, just as the GST will—or any other tax. The member for Schubert nods his head and says, 'It won't happen.' Well, he never thought there would be a stuff-up with ETSA. He never thought there would be a foul-up with Modbury Hospital; he never thought there would be a foul-up with Australis; he never thought there would be a foul-up with the Hindmarsh Soccer Stadium—but there was. He would do well to read clause 16.

Clause 17 refers to enforcement of recreational access agreements. Who is entitled to enforce it? Not I as a private citizen who has been denied access to the Wallaroo jetty because of some deal. Clause 17 provides:

(1) The Supreme Court may, on application by an interested person, make orders for the enforcement of a recreational access agreement.

(2) The following are [defined as] interested persons—

(a) the council for the area in which the land to which the agreement relates is situated;

(b) an occupier of land to which the agreement relates.

It does not talk about the recreational fishermen. The other point is that, whilst clause 16 imposes a responsibility on the minister to require the purchaser to enter into an agreement governing access with a council covering the area, it does not mention how the agreement is to be worked out. What if there is no agreement? Does that mean that until an agreement is reached there can be no public access to that jetty? Is that what it means? That is what I think, and the member for Hammond agrees with me—there is a meeting of minds if there ever was, although I refrain from mentioning the hollow logs. If there is no agreement, there is no compulsion for an agreement. An agreement cannot be made under compulsion because there is no mechanism to arbitrate.

I will be interested to hear the minister's closing second reading speech, or his answers in committee, and whether he can point out where this bill provides that there must be an agreement (because you cannot compel people to agree if they do not want to) and, if so, what is the status quo in terms of public access in the interim until an agreement can be reached. I should also like him to say whether there is a form of arbitration between the local government authority and the purchaser to make a binding award, if I can term it that way—some form of arbitration—with respect to these things? As I say, most importantly, does this legislation prevent the imposition by agreement between the council and the purchaser of charging an entrance fee, no matter how small, because that is not what we are voting on?

The member for Goyder and the minister concerned travelled to the Wallaroo jetty, where the minister issued his press statement to all and sundry, saying, 'We have fixed the problems of recreational fishing. They will have public access.' That was his promise, and that was the view that was communicated to the public at large. But this bill does not guarantee it. I suggest to the member for Schubert that he look at it because, even though he believes that he is in a safe Liberal seat and that the Labor Party can never win that seat, Independents or Nationals can, and I would suggest to the member for Schubert that there are a lot of recreational fishermen or fisherpersons, however you want to describe them—

Mr Foley: Fishers.

Mr CLARKE: Fishers—who live in the seat of Schubert. When they drive across from the Barossa Valley and go to Wallaroo for their three weeks' holiday at Christmas time, and when they are just about to step foot on that jetty—it is stinking hot, the fish are biting and there are plenty of crabs—and someone wearing a white overall stands there and says, 'That will be $2 thanks, and $1 each for your kids to come on to that jetty to fish,' do you know what they will be thinking about, member for Schubert? They will be thinking of you. Not only did your party give them the emergency services tax, the goods and services tax and the water levies but now, when they take their kids onto the jetty to catch a few tommy ruffs, you are going to bill them; you are going to charge them—because you were too slow off the mark to ensure that their rights were protected under this legislation. So, I suggest to the member for Schubert that he take very careful note—

An honourable member interjecting:

Mr CLARKE: I am the Labor duty member for Schubert, so I want to look after the member's interests. I am looking after the people of Schubert, even if the member is not. While he is waxing lyrical on the advantages of privatisation, I am looking after their interests as the ordinary punter.

I will conclude—and I was only going to run for a few minutes, sir, but the member for Schubert unfairly diverted me from the main thrust of my speech. I have one other point in terms of clause 17. I ask the minster: why must we go to the Supreme Court to enforce recreational access agreements? Admittedly, under the definition of 'interested persons', it deals with local government bodies or occupiers of land. But I think that it also ought to include the local punter who wants to fish off the pier if he or she thinks that they have been unfairly dealt with. People do not want to go to the Supreme Court. I know what it costs to go to the Supreme Court: it is not cheap. It will be an absolute deterrent for people to enforce their rights. I do not see why it should not be simply taken before the local magistrates court, where the costs and fees can be kept within the reach of ordinary people. So, I will be interested to hear the minister's reply. In any event, if we had any commonsense at all in this place, we would vote unanimously against the privatisation of our Ports Corporation.

The Hon. G.M. GUNN (Stuart): I support the second reading of this very important measure, which has a great deal of benefit for the people of South Australia—

Mr Clarke interjecting:

The Hon. G.M. GUNN: The honourable member has just waxed off for about 19 minutes, and he did not tell us much—and he could not even read clause 16 properly.

Mr Clarke: Well, you tell them.

The Hon. G.M. GUNN: I will in a moment.

Mr Clarke: Come on, you know all about lawyers; you tell them.

The Hon. G.M. GUNN: I will in a moment, because I just—

Mr Clarke: How long's your arm?

The Hon. G.M. GUNN: Not as long as your lawyer mates'. You know all about lawyers, Ralph; you have been looking after them for a long time. Let me bring my attention back to this measure, one of three bills which will allow the government to dispose of the assets and, in doing so, give us the ability to upgrade certain port facilities which are absolutely long overdue. If the welfare of the people of South Australia is to be properly looked after, and if we are to be in a position to compete on an international basis, the port of Port Adelaide must be upgraded, especially if we are going to be able to compete, particularly as grain growers.

Many of my constituents are in semi-marginal farming country, and the freight differential is a very significant cost to them. If someone lives close to a port and they do not have to pay that $8, $9, $10 or $12 per tonne, it makes a great deal of difference to their bottom line. One of the other difficulties that we face in South Australia is the difficulty of two port loading, where ships have had to go to a second port to top up; that is an added cost.

Some of us will recall what took place many years ago when Port Giles was built. The grain industry was told, 'We will build Port Giles; you make a contribution. A surcharge will be put on Port Giles because these people will get a benefit.' Everyone went along and played kicks in the same direction; good show. But what happened? A bit of skulduggery took place. There was a bit of 'scratch my back and I'll scratch yours. You do the right thing, fella, and we'll let you off the hook.'

Mr Clarke: Sounds like the soccer stadium.

The Hon. G.M. GUNN: The honourable member may be an expert on the soccer stadium, but I have a good memory in relation to what took place at Port Giles, and so does the rest of the grain industry. I just wanted to make that point.

I listened with some interest to the member for Hart, who spoiled his contribution by engaging in some sort of class warfare act—I did not quite follow what he was going on about—and making some sort of accusations that, because people lived in a particular part of South Australia, they did not understand the difficulties of people living in other starts parts of the state. I thought that was a bit beyond the pale, because it was not correct. Notwithstanding that—

Mr Foley: I didn't put you in that category.

The Hon. G.M. GUNN: I hope not, because I represent some—

Mr Foley: The member for Adelaide.

The Hon. G.M. GUNN: The member is being very unkind to the member for Adelaide, and I do not know why. In relation to this measure before the House, the member for Adelaide has given the people of South Australia the best opportunity to upgrade the port of Port Adelaide that we have had in the past 30 years. And there have been a number of reports; there have been a number of committees; there have been heaps of recommendations; there have been discussions and debates; and there have been talkfests, but no-one has come up with the money. Not one government has come up with the money to fix the port of Port Adelaide in the interests of all South Australians.

If we spend the money and upgrade the port not only will it benefit the grain industry but it will also benefit many other industries in South Australia. That is the basis of the decision that we are debating tonight. If we take that decision it will benefit the honourable member's constituents. It will create employment. I note the honourable member's point about having dirty industries. The community does not have to put up with that any longer, and I entirely endorse that. In the past my constituency thought it was all right to have coal dust poured over Port Augusta. That is no longer acceptable, nor should it be—it should never have been acceptable.

I understand quite clearly where the honourable member is coming from. We know what happens when the old power house is started up. I entirely agree that whatever is done should be environmentally friendly and aesthetically sound. I agree with all of that. I flew in from Port Augusta yesterday. I flew right over the honourable member's electorate and I could see that a lot of development is taking place. There is potential for a lot of housing development and I believe that that would be a very good thing. Obviously, there is a need to set aside certain areas for open space and recreation. It would be a great pity if the whole area were jammed full of houses.When you fly over the area you can see quite distinct potential but, at the end of the day, this debate really relates to a number of issues: whether we make some minor improvements at Port Giles and Wallaroo and major improvements at Port Adelaide. That is the decision that we are debating tonight.

Without these particular bills passing in the future that will not be the case and that would be contrary to the best interests of the people of South Australia. No matter how people dress it up and go on about all sorts of side issues, that is the paramount question that must be determined tonight. As far as I am concerned that is in the long term best interests of the people of South Australia and that is why I am supporting this bill—for no other reason. I have no ideological bent about whether the ports should be in government or private hands; that has nothing to do with it. I was very pleased when the ports on Kangaroo Island were not sold. I thought that the people of Kangaroo Island had a very good argument for leaving the ports as they are, and they had my support.

Mr Foley interjecting:

The Hon. G.M. GUNN: Because they were a special case: they were isolated and they did not have the benefit of being connected to the mainland. I thought that they had a very strong case and I told them so. They had my support. I make no apology for saying it. In relation to the comments made by the member for Ross Smith, I remind him that clause 16 provides:

The Minister will, as a condition of entering into a sale/lease agreement with a particular purchaser, require the purchaser to enter into an agreement (a recreational access agreement) governing access by the public to land and facilities to which the sale/lease agreement applies.

End of the story. If the honourable member needs to go to the Supreme Court to get a ruling then I think he will look after those people about whom I made some comments last week—lawyers. The situation is clear and precise. The member for Goyder was quite right when he stood on the jetty and informed the community that they had reached agreement because that is a soundly-based agreement. I know that the grain industry and the rural sector supports this concept. There is an urgent need to ensure that another port in South Australia has the ability to deal with panamax ships and, in the future, they will be bigger. There is no doubt about that.

Port Lincoln has proved to be an outstanding success and one only has to watch those ships being loaded. I lived in Port Lincoln for a few years and I remember that you could look out the window and see, within a few hours, those ships getting lower in the harbour. I saw that particular wharf being built, and what a great benefit it has been to the grain industry. The same benefits will flow for the grain industry, and therefore to the public of South Australia, if we upgrade the port of Adelaide or its environs. I am aware that the Cooperative Bulk Handling Company is preparing to spend a lot of money in the vicinity and it should all be done in concert.

I support the second reading because I believe that the legislation will bring into place the upgrading of the ports which has been long talked about but about which there has been little or no action. The need has never been greater. This proposal will give government and industry the ability to effect the needs of the grain industry, that is, an improvement in the port system.

The Hon. M.D. RANN (Leader of the Opposition): As the deputy leader explained, Labor is very much opposed to the sale of the Ports Corporation. We are certainly concerned at the state of flux with respect to the negotiations. Again, we have a privatisation that is being rushed through the parliament without all of the i's being dotted or t's being crossed. Again, we are dealing with important legislation about the strategic future of this state while the government is still unresolved with key stakeholders in the industry. It is no wonder that we continue to have mistakes but it is quite clear that the government has not learnt from the bungles and problems caused by the electricity sale process.

Here it goes again, negotiating this morning, during the day and tonight, trying to resolve issues—issues that should have been resolved before the parliament considered this legislation. Again, as the deputy leader remarked, not only do we have a series of outstanding and unresolved issues, but we have repeatedly been told by key stakeholders that the government has not properly consulted about this important legislation on an important strategic industry operation for the future of our state. This legislation represents, of course, a huge sell-off. Every port in the state is on the auction block, except Kangaroo Island but, again, we have not learnt from the ETSA sale process.

Labor is very concerned that there is no guaranteed tenure for the stevedoring company, Sea-Land, beyond its current contract. We have certainly been impressed with the expertise and efficiency of Sea-Land. It has an excellent relationship with its work force and, indeed, with the union representing the work force, the MUA. When I was at the wharves with Kevin Foley and most other Labor members of parliament the

year before last during the MUA dispute—when Peter Reith, the federal industrial relations minister, actively sought to break the law in a conspiracy with thieves and brigands to undermine the law of Australia—it was interesting to see that Sea-Land was not part of that kind of activity and conspiracy.

Instead, Sea-Land actually showed us how it had worked with its work force in terms of workplace practices, management practices and technological and human resource management advances to work together with the work force and the MUA to make the port of Adelaide much more efficient terms of its through-put and the way that it handled export cargoes. Certainly, the approach taken by Sea-Land at the port of Adelaide contrasted enormously with the approach being taken in Melbourne, Sydney and other ports around the country. I am pleased that the deputy leader remarked in her contribution that Sea-Land had informed her that it intended to put a great deal of investment into its facilities at Port Adelaide. It is talking about adding infrastructure and investment over the next couple of years.

However, its lease expires within four years, and before it makes that significant and costly investment, in addition to the huge technological improvements through computer management and handling, it would like to see some guarantee of its own tenure. Therein lies a problem: there is no guarantee of tenure or a future for Sea-Land in terms of this bill. Understandably, Sea-Land is unwilling to provide the level of investment that is required for the port of Adelaide when a competitor might be introduced which would reduce its ability to operate efficiently. When we are talking about the privatisation of the port of Adelaide, it is worth mentioning that even Jeff Kennett, during his manic campaign to privatise everything that was going in Victoria—including the provincial ports in Victoria; I think three of the ports were privatised—did not move or did not introduce or pass legislation to privatise the port of Melbourne because of its strategic importance to the future of Victoria. However, that obviously is not the case in this state, because the government simply wants to privatise everything that moves before the next election—and it is now openly talking about its own defeat at that election.

For ideological reasons the government wants to sell off everything that is going before the election. If it does get re-elected—which is highly unlikely—obviously the hospitals will be on the auction block after the election. Meanwhile, we see the TAB, the Lotteries Commission and now the Ports Corporation being put up for sale, obviously in a bid to raise as much money as possible for the election campaign next year or in order to try to prop up once again the bottom line of the budget, as it did with the Casino sale this year. So, there are more asset sales designed to prop up the budget bottom line. In doing so, the government is prepared to risk the strategic future of the state industrially for its own political purposes.

Certainly we in the opposition have no problem with competition being introduced into the stevedoring industry at the port of Adelaide. However, we would not like to see a stevedore operator which has been operating efficiently and working with its loyal work force being forced out by another stevedore, perhaps one that has operations in Melbourne that would like to see our port to be a branch office or a feeder port to the one in Melbourne or elsewhere. In that situation, and with no guarantees, that operator would then run down the stevedoring and port industry in Adelaide and direct much of its work to the port of Melbourne or some other port. Those reassurances are not available within this legislation, as the deputy leader pointed out. So, we have the extraordinary situation where a stevedoring company, Sea-Land, which has turned around the port of Adelaide, increased the throughput substantially and made Port Adelaide highly competitive, is now left with basically absolutely no assurances as to its future. That will produce a Mexican stand-off, where Sea-Land will not commit to a reinvestment in the port of Adelaide unless it can be convinced that its future is not imperilled.

The Deputy Leader of the Opposition mentioned a range of other issues, including those relating to environmental concerns and local government issues. One of the key issues the honourable member raised came from the South Australian Farmers Federation, which is also concerned about threats to the port of Adelaide and also the situation of our grain ports. All of us who are concerned about this state's future, who recognise the importance of our agricultural sector in our exporting and also in the economic future of our state, must understand that it is vitally important for our grain industry to remain competitive and, indeed, to increase its ability to stay competitive. Certainly, as has been pointed out by a number of speakers, there has been an increasing tendency for the bulk grain industry to go to larger and even larger ships. I understand that the member for Stuart was just recently speaking about panamax shipping. Perhaps, if he had an eye to the future, he would be able to look towards the post-panamax vessels being used in other parts of the world, with the South Australian vessels tending, as a result, towards going up to panamax standard, but unable to use the port of Adelaide in the current circumstances.

A report has been completed, and the Deep Sea Port Investigation Committee found that there was a need to deepen substantially the port at Adelaide to enable panamax-type vessels to use that port. As was stated in the letter that the Deputy Leader of the Opposition read into *Hansard* from the South Australian Farmers Federation, the industry itself is prepared to put in $30 million to improve land based infrastructure, but it is asking the government of South Australia for a contribution by dredging out the port of Adelaide to enable panamax-type vessels to use the port in order to ensure the competitiveness of the grain industry and the long-term future of the port of Adelaide.

As I understand it, the Olsen government is refusing—or certainly is refusing at this stage, even though we understand negotiations are going on in back rooms around the place—to commit any government funds for the dredging that would be required to bring the port up to scratch. That is obviously a key issue. It is expected that the industry will contribute the full amount and that the industry would negotiate with the new port operator on how and when this would be done and on whether the new port operator would contribute any money to that process. We are very concerned about the stand-off with Sea-Land such that it is not prepared to commit to reinvestment. From the point of view of Sea-Land and the grain industry, it seems that there is no strategic direction from this government. The actions that the government is about to undertake undermine the competitive position of the two industries, and we cannot see how that can be in the interests of the state.

My advice to the minister, who is keen to make a name for himself in terms of privatisation, is to go back and consult more fully. He should not come into the parliament with legislation when the outstanding issues have not been resolved. The deputy leader has already referred to a range of other issues, including the issue of recreational access, and

that is something else that needs to be addressed. However, Labor remains unconvinced by the government's arguments about the privatisation of the ports, and that is why we are opposing this legislation.

Mr WILLIAMS (MacKillop): I rise to support this legislation and, in doing so, I declare my interest as both a grain grower and a shareholder of SACBH. It is because of my knowledge of those industries, the grain industry in South Australia and my desire to see Port Adelaide continue to operate as the freight gateway in and out of South Australia that I support this legislation. Many members have already realised that for South Australia to maintain a working, operational port it must be competitive. Indeed, I was heartened to hear the comments of the member for Hart, acknowledging that Port Adelaide was a working port and that he wished it to remain that way, even though he did rail against heavy industry being situated in and around Port Adelaide.

The reality is that Port Adelaide brings together all those functions we need to have where we have developed heavy industry. We obviously have the port facilities, gas and power available and land transport, both rail and road, all accumulating at that point. It would be a great pity if, for some ridiculous reason, we suggested that we could remove all that infrastructure and set up our heavy industry base at some other point. I reiterate that I was pleased to hear him say that he wanted to see Port Adelaide continue as a working port, because the state's future to a large degree depends on and hinges on our having a working port that is competitive on the world scene.

The member for Ross Smith did contribute to the debate almost to the limit of his time and, whilst he was speaking, I realised why the House in its wisdom some years ago actually limited the duration of debates. I question why they did not make the time even shorter. The member for Ross Smith asked one thing, namely, why we as a state would want to divest ourselves of the ports because they are a profitable public exercise. The port of Port Adelaide today is profitable. I question how long it will remain so without some serious injection of funds to upgrade the port. We have all acknowledged that and been talking about it. Possibly the debate will get down to how big that injection of funds will be and how that money will be spent.

Our transport history in this country is littered with disasters, particularly if we look at what happened to rail across Australia over the years and the way in which each state in a parochial manner squandered substantial sums of public funds to try to ensure that the produce of their state went through their ports. Those days are gone. Fortunately, we have a rail and road infrastructure which means that any producer, any owner of any commodity, can transport it to any point in this country with relative ease and in most cases at a reasonable cost to put it across a wharf.

Wharfage and port handling costs must be competitive and, if they do not remain so, ports will close. I have no doubt about that and, unless we can maintain the competitive edge at Port Adelaide, it will no longer be a working port as it is today—it will be merely a fishing port.

My electorate is indeed well served by a deep sea port, which has full panamax capacity, and that is important. Since the closure of the Wolseley-Mount Gambier railway line, a fair proportion of the produce that goes out of my electorate and a lot of the freight that comes into that electorate, particularly superphosphate, comes through the port of Portland. All the goods carried through my electorate are on road freight and, because of the distance involved, the cheap handling costs and the capacity of the port of Portland, nobody can afford to use the port of Port Adelaide.

I believe that we must do several things to enable producers in the South-East—probably the most bountiful area of the state—to start reusing the port of Port Adelaide. One of those things is to make the port competitive. It will happen only if we can get full panamax and fully laden access into and out of Port Adelaide. Certainly, the grain industry believes that is the only way that it can compete with other ports.

We need also to reopen the Wolseley to Mount Gambier railway line. Having Port Adelaide operating to any level of efficiency requires that a lot of our bulk produce, particularly grain, is carried by rail. There are great benefits to the wider state and community by ensuring that that happens. We can take a lot of the road traffic off the arterial roads throughout metropolitan Adelaide if we ensure that Port Adelaide remains a viable port and that the majority of that grain can come into that port via rail.

If it does not remain a viable port and cannot compete, a large proportion of the grain, certainly in the eastern half of the state, throughout the Mallee and through the Upper and Lower South-East, will all be exported out of Victorian ports. We have seen considerable sums of money spent at a grain terminal at Port Melbourne and the standardisation of the Victorian railways, and the Australian Wheat Board has built a large grain receiving depot at Dimboola not far across the border. The sum total of those events means that it is very attractive for grain producers over a large portion of South Australia to ship their grain out through Port Melbourne, Geelong or Portland. We must therefore be very careful about what we do here.

I have heard the word 'strategic' used several times in the debate tonight. We have to be strategic here and ensure that Port Adelaide remains viable into the future, and the grain industry plays a large part in ensuring that viability. I understand that the grain going through Port Adelaide contributes substantially to the profit of that port. I make the point to the member for Ross Smith and repeat that, if we do not make sure that the grain continues to flow through there, it will no longer be a profitable port.

I support this legislation because I believe, as you, Mr Acting Speaker, most aptly put the situation of the grain industry and how it is imperative to that industry that we maintain the opportunity—

Mr Foley: Are you guys in revolution over there?

Mr WILLIAMS: Not at all. As many speakers have said, for years people have talked about upgrading our ports and about putting competitiveness back into our ports and freight system, and I believe this is the only way we will get the funds and the upgrading work done. That is why I am supporting this. As the member for Stuart said, this is nothing to do with philosophical standpoints or viewpoints but is a matter of practicalities. If the member for Hart seriously looks at maintaining Port Adelaide as a working port (and many of his constituents would be devastated if it were not)—

Mr Foley interjecting:

Mr WILLIAMS: I agree. I think the whole of the Port River should be dredged into the inner harbor, which would solve a lot of problems and would guarantee that Port Adelaide would remain an operational port well into the future. A lot of the member's constituents would be devastat-

ed if the port closed down and became nothing more than a mere fishing port.

Most of what I could add has been said by other members, so I will not detain the House. I briefly reiterate that it is important for the state that it attract produce out of my electorate and out of the South-East, and the only way it can do that is to make the port of Port Adelaide much more competitive than it is today, both by the infrastructure, that is, the South-East railways, coming in, and by making it much cheaper to ship grain over those wharves.

Mr MEIER (Goyder): As members would be aware, these bills have been a long time in coming to this House. In fact, it was probably well over a year ago that we were first forewarned that the government intended to sell the Ports Corporation. That came as no surprise because, if we think back a few years earlier, this government had decided to corporatise the former Department of Marine and Harbors into Ports Corp. That was one of the very good moves of the government. A great deal of efficiency came into the administration of the ports, and certainly the ports in my electorate, in particular Wallaroo and Port Giles, increased in efficiency, and I compliment all those involved in increasing their efficiency.

I well remember a few years ago going to Malaysia and Singapore, and among the many things that I looked at and investigated I looked at whether we could sell some of the slag from Wallaroo. There were hundreds of thousands of tonnes of slag, which is excellent for blasting in the preparation of ships before they are repainted. The people in both Malaysia and Singapore were very interested. They were getting their slag from the Philippines, very close to them from a geographical perspective, but they said that the quality of the slag was not the same as that which we had in South Australia. In fact, I had half a wheat bag, about a sugar bag full, sent over, and I was very appreciative of the Department of Foreign Affairs that got it through customs so I was able to ladle it off into smaller bits to take to the various companies.

The big obstacle was being able to get it to Singapore and Malaysia at a reasonable price; and the biggest obstacle we had—and this was before PortsCorp took over the administration of the ports—was the wharfage charges. If I remember correctly, they were something in the order of $9 or $10 per tonne. One of the persons interested in selling the slag said that they would be prepared to accept a dollar; if need be they would accept 50 cents a tonne. So we had the huge wharfage component compared with the actual price of the raw product. It was then I realised that huge changes had to occur in South Australia if we were ever going to become export competitive with the rest of the world.

I am one who believes that the leasing or privatisation of the ports can only be beneficial to South Australia. Certainly, the privatisation of the ports in the electorate of Goyder, where we have Wallaroo, Port Giles and Klein Point, will be of great advantage. I believe the competitive factor will come into it and efficiencies will increase even more than they are at present—and that is no disrespect to the persons running it currently, but private enterprise seems to have the knack of getting maximum efficiencies.

The bills before us are fairly clear and straightforward. The first bill protects the various state, community and customer interests, as well the interests of the staff; the second bill governs the commercial terms and conditions upon which the new port operator will be regulated; and the third bill allows the lessee to operate the divested ports while also securing the ongoing safety of South Australia's marine waters. There has been some discussion behind the scenes that legislation is not needed; that the government could actually divest authority of the ports into the private sector without any legislation. There seems to be some question about that. I am one who fully supports a very clear path being laid down, and I believe these bills clearly lay down that path so that there is absolutely no question as to the legality of handing over ownership and control to the private sector.

As members would be aware, Port Giles is, to the best of my knowledge, virtually 100 per cent concerned with the conveying of grain and Wallaroo is principally concerned with the conveying of grain over its wharf. Therefore, the grains industry is a very important player in the whole sale process. If members read the bills carefully and look at what is encompassed in the bills—

Mr Clarke interjecting:

Mr MEIER: I said that principally it is grains at Wallaroo, but certainly the fishing industry is another important element. The member would be well aware that many fishers are now going to the new marina and will off load at the commercial wharf there. We also have the superphosphate industry which is very important to Wallaroo.

Mr Clarke interjecting:

Mr MEIER: At this stage I am still talking about the commercial part: I will get to the recreational part later. It is very important that the grain industry is fully conversant with what the government seeks to do and I know many discussions have taken place. More importantly, I believe that the grains industry supports what the government seeks to do. The grains industry's thinking comes principally from the South Australian Deep Sea Port Investigation Committee's final report of January 1999. In fact, the investigation into the deep sea port upgrades goes back almost as long as I have been in this parliament. There have been three key reports during that time and the report that was released in January 1999 commenced before this government took office; it commenced during the term of the Bannon government. It was an industry motivated report, and I remember meeting with members of that committee when we were in opposition well over six years ago. Of course, it released its final report just over a year ago.

I was wondering whether that committee would ever release its report, although I know there were various obstacles to it. Certainly, quite a few of the grain growers in my area—and, Mr Acting Speaker, I suspect some of them would have come from your electorate, too, when you were the member for Custance—had serious concerns about the lack of recommendations that applied to the port of Wallaroo. As a result of a meeting at the Paskerville field day site, at which I and 500 or 600 grain growers were present, it was decided that it was absolutely essential for grain growers to be represented on the South Australian Deep Sea Port Investigation Committee—and that happened. I give full credit to the committee for accepting the growers in those final months.

As a result of that, the key recommendation that came forward was, once again, a full upgrade of Port Giles, a full upgrade of Port Adelaide and a partial upgrade of Wallaroo. As the member who represents both Port Giles and Wallaroo, I fully support a full upgrade of Port Giles for a number of reasons, including the key reason of its being a relatively inexpensive upgrade (in the order of $9 million) to fully

service panamax vessels. That is to be applauded. In fact, I sought to take a deputation at the end of last year rather than earlier this year to the minister but, because the discussions on this bill were in full swing at that stage, it was decided that, rather than dealing with individual committees, he should deal with the grain industry as a whole. I have supported and continue to support a full upgrade of Port Giles.

However, a full upgrade of Wallaroo was not recommended in earlier reports. As the local member, I would like a full upgrade of Wallaroo, but I am a realist: Wallaroo can cater currently for panamax vessels, but it is a little awkward. There are some safety concerns and I know that some administrative officials associated with PortsCorp are not 100 per cent happy with panamax vessels coming into Wallaroo. I guess their fears were somewhat realised when a panamax vessel ran into the port a few months ago and caused something in excess of $100 000 damage to the wharf and about $2 million damage to the grain gantry. I do not believe it had anything to do with the fact that it was a panamax vessel; some other errors occurred, but I will not enter into that issue. I believe that a satisfactory resolution has been arrived at.

It is important that Wallaroo can handle panamax vessels and a partial upgrade will ensure that is the case. When one looks at a map of the key grain growing areas of South Australia, one will see that Wallaroo is in a very strategic position for the export of grain, particularly since the port of Port Pirie is relatively shallow. Whether or not one likes it, it will be an enormous cost if one wants to bring that port back to full port capability. In fact, I do not know that it would be possible to bring it to panamax condition, so Wallaroo is therefore a key port in that respect.

I will not enter into the debate about Ardrossan; you, Mr Acting Speaker, as the member for Schubert, have bought into that, and time will not permit me to venture down that track, but I recognise that you put forward very relevant arguments. I come back to the upgrade of these ports, and members might say, 'What has this to do with the bills?' In the three bills before us there is no mention of upgrading the ports, namely, Port Giles, Port Adelaide and part of Wallaroo. In speaking with the minister and from discussions that we on this side of the parliament have had over many months, it is quite clear that the only way the industry will be able to get the government to commit millions of dollars to an upgrade is to agree to the sale or long-term lease of the ports. We will ensure that a significant proportion of that money will go into—

Ms Hurley: How will you ensure that? It isn't in the legislation.

Mr MEIER: No, it is not in the legislation. Didn't you hear my preface? That is exactly what I said: it is not in the actual legislation, but the minister has given a commitment, and it will be inherent in the follow-up to this legislation that the government will be committing significant millions of dollars to the upgrade of the port. I would say without question that if the grain industry wants the ports upgraded we have to agree to the long-term lease of those ports, otherwise it will not happen.

I am flabbergasted when I hear opposition members saying things like 'Rubbish!' or that it will not occur. For 20, 30 or 40 years when the present opposition was in power nothing happened. Why not? The then government was not able to find that sort of money at the drop of a hat—and I acknowledge that—and this government is not able to find that sort of money at the drop of a hat. But, if we have in front of us a sale or long-term lease of the ports, it is not difficult to determine that a significant proportion of the proceeds will go towards the upgrading of the ports, so the industry, farmers and South Australia generally will benefit as a result. I am very disappointed that the opposition cannot see that very simple and easy scenario before us tonight.

Ms Hurley interjecting:

Mr MEIER: We are yet to hear from the minister when he concludes the second reading debate, so be patient and await the good news. It is clear that the opposition will do an about face on this, because when the minister gives the good news I am sure that the opposition—if not all opposition members then at least certain individual members—will say unequivocally that they have reviewed their its position and that they will exercise their democratic right to say they support the sale of the ports, because it is the only way the ports will be upgraded. I am sure that that is what every member here wants.

The ACTING SPEAKER (Mr Venning): Order! The member for Gordon is out of order; displays are out of order.

Mr MEIER: I believe that this is the way to go. I have no problem with that. I guess I am the one member in this parliament who has more to lose than any other member, given that I have in my electorate three of the seven ports.

Mr Foley: And I've got the biggest.

Mr MEIER: Then you have a bit to lose, as well. I would venture to say that I have three of the most important ports in the state of South Australia.

Another issue that the member for Ross Smith raised by way of interjection was that of recreational access to the wharves. I was absolutely delighted that in January of this year the minister decided to make Wallaroo the focal point for announcing a policy of guaranteed recreational access onto the jetties and wharves when they are sold. The minister announced his policy at Wallaroo in January, and I was delighted that he was able to spend a couple of days there. I was not so happy that, with his troop (of which I was one), he conducted a fishing competition versus the press and their troop; and I am afraid we lost. I think the press caught two fish and we caught none; is that right, minister?

The Hon. M.H. Armitage: We caught a few crabs.

Mr MEIER: The thing about that evening was that, whilst January can be very warm and in fact at times very hot at Wallaroo, it was a cold night. I admit that at about midnight I said to the minister, 'We have a full day ahead of us tomorrow and I'm jolly cold.'

An honourable member: Is this relevant?

Mr MEIER: Yes, because this was the launch of the policy guaranteeing the recreational sector access to the wharves when they are leased or sold. That was made very clear by the minister at the time, and I would like to know where the opposition was in January. Surely members saw it on the television and read about it in the *Advertiser*, because the *Advertiser* journalist was there participating in the fishing competition. In fact, it was the *Advertiser* journalist who won the fishing competition, so he gave it a good write-up in his newspaper.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Goyder.

Mr MEIER: Your English is as bad as everyone else's. The guaranteed recreational sector access to commercial wharves is very important and is clearly covered by earlier announcements by the minister. I know from speaking to him

that the legislation also covers that aspect. Therefore, it is very clear that this is good legislation for South Australia; it is the right way to go. Once again, it is very disappointing that the opposition can take only one course of action: that is, to knock, knock, knock; to be negative. I am extremely disappointed, because I know that the Leader of the Opposition made a commitment at the last election that he would be bipartisan. That was the first and last time he has ever been bipartisan. He has simply knocked just about every development we have had in this state, and we are used to it, but on this occasion I would hope that the opposition would rethink its policy. We need this legislation to ensure that our ports are fully competitive and that our grain industry and a multitude of other industries progress in the most positive way possible.

Mrs PENFOLD (Flinders): As you know, Mr Deputy Speaker, I have a special interest in these bills because of the two ports—Thevenard and Port Lincoln—that are in my electorate of Flinders. We live in a time of change, the speed of which is unprecedented in the history of mankind. Change applies in every area of our lives, including business and the government. Coupled with change is the move to what has been called the 'global village' where the world operates as one market or entity, as opposed to a collection of individual nations that comprised the business world in the recent past. The government has acknowledged these changes in the South Australian Ports (Disposal of Assets) Bill. Of necessity, the operation of entities by governments must be constrained by their need for accountability. The process that meets this accountability often restricts the proficiency of the entity in decision making.

Also, there are risks attached to the changing business environment that did not exist even a decade ago. South Australians have suffered from the debacle of the Labor government that saddled the state with a debt from the State Bank that almost bankrupted the state. It has been a long, hard haul to get where we are. Therefore, it is important that one of the underlying factors that this bill addresses is the removal of financial risk from the government and, therefore, the taxpayers in the commercial operation of ports.

South Australian Ports Corp is a business that has grown to maturity. It no longer needs or benefits from the security of government ownership as it did in its early, risky growth phases between an old-fashioned public service department and a modern government enterprise. It has restructured the business into a good, solid ports business, due largely to the hard work and application of the Ports Corp Board members and the management, whose commercial abilities have put the organisation in the strong position it is in today. However, if it is to continue to grow in value, the business needs to reinvent itself by adopting new technology and techniques to integrate the transport chain, a process that will benefit all South Australian exporters.

We must now look at how best we can develop the ports for the economic benefit of the state. As a relatively small ports business, South Australian Ports Corp is not in a position by itself to develop the necessary innovations. This will require a private sector owner with the necessary resources. The South Australian Bulk Handling Cooperative has spent millions of dollars upgrading the Thevenard terminal loading facilities, including doubling the loading delivery capacity from 500 tonnes an hour to 1 000 tonnes an hour. The sale/lease of the port will complement what has been done already and will lift the commercial value of the port.

Incidentally, the Thevenard port has operated at a profit for several years. Few people appreciate the volume of product that goes through this port, including grain, gypsum and salt. Private ownership has been shown to improve the economy of individual ports, and this means economic benefits for regional communities. World grain prices are low, and increased profits can only be achieved by farmers if their overheads, such as ports charges, are reduced.

The private ports of Geelong and Portland have driven down prices further than the publicly owned port of Melbourne. We ignore this evidence at our peril. Portland has the potential to emasculate trade through the port of Adelaide.

Waterfront reform in Australia has delivered. The Patrick wharf in Melbourne, where reform has been introduced, has experienced a doubling of productivity and a 40 per cent improvement in ship turnaround times. Recent publicity on waterfront reform included companies that have not taken on reforms.

The aforementioned facts support the earlier comments that the world has become a global village. We can no longer look at South Australia as an entity standing on its own in the commercial world. Business creates trade, whether it is manufacturing business, farming business, or any other sort of business. It is also business that facilitates the movement of traded goods such as grain and motor vehicles, and the ports are simply part of that process.

Rail freight and the airports are already private operations, and road haulage is all done privately. South Australia has several privately owned ports, including Whyalla, Ardrossan and Port Stanvac. Of the major exports, grain is trucked from the farm gate privately, stored in silos privately by SACBH, and loaded onto bulk carriers privately by SACBH, which already owns the loading facilities on the docks.

Trade is best facilitated by improving the efficiency and service offered. A commercial enterprise that will invest and be innovative will also take the risks, removing the risk from South Australian taxpayers. Reversionary conditions to the land lease will provide protection for customers and communities, but will have no impact on the expected value from a trade sale of the business.

The lease/sale of Ports Corp will benefit local government bodies whose territory covers the ports. Councils will be able to recover rates from all land held by the private port owner. Councils did not receive rates from Ports Corp land that it did not lease to a third party. Rate equivalents currently paid to Treasury are $130 000, and this is expected to increase significantly, based on actual council assessments.

Certain land has been removed from the sale/lease if not required for core port operations. This includes land primarily used for recreation or general public use, such as Pinky Point at Thevenard. Minister Michael Armitage handed this land to the Ceduna District Council when the cabinet met at Ceduna in April. The progressive Ceduna District Council is planning a marina development that will enhance the quality of life for local residents as well as attracting tourists and yachties.

The Ceduna council also supports a lookout at Pinky Point for which Thevenard Ratepayers Association received a grant from Coast Care. Patrick Cotton and the Ceduna campus of TAFE have coordinated a specific course that includes Aboriginal students to undertake the building of the lookout. Already, a side benefit has come from the sale of the ports.

The South Australian Ports (Disposal of Assets) Bill includes in-built restraints that will ensure that the future owners of Ports Corp will act in accordance with the state

government's objectives for the divestment, which include encouraging enhanced economic development, that is, growing trade through South Australian ports and fostering competition. The state government has imposed cross-ownership protection on container trade to exclude existing container operators at the competing ports of Melbourne and Fremantle from the divestment process. In addition, the port operator will be obliged to allow access to defence vehicle vessels.

The lease/sale package is made up of a 99 year lease on the land of Ports Corp that includes the core land required to operate the ports, the wharves and the jetties to enable the new owner to operate the business.

An honourable member interjecting:

Mrs PENFOLD: I do mostly. The three stages of the lease process will enable interested parties to work through the lease/sale offer so that the state gets the best price on the deal. Ports Corp is a complex operation where the state's interests are wider than the facilities and business. I commend the government for protecting the interests of the state. This includes the setting up of the South Australian independent Industry Regulator that will have ultimate control of the third party access regime, strategic pricing and associated service standards. The government believes that it is important to have an Independent Regulator rather than have the minister act as regulator to manage dispute resolution when commercial negotiations fail.

We are planning for the long term, and it is therefore commonsense to use the best qualified and most experienced people in specialist situations. The sale component covers improvements to the land including buildings; road frontages; berth working areas; plant and equipment; wharves and jetties; the ongoing business and operations; contracts and operating agreements already in place; and leases already in place. Port operating agreements will be drawn up for each of the seven ports to define and convey the powers and responsibilities directly related to the safe commercial use of each port. This allows flexibility for each port to be managed and operated in a manner that best suits that particular port. The port operator's obligations will include managing, dredging and maintaining the port's waters; maintaining navigational aids; directing and controlling vessel movements and related activities; and maintaining an improved emergency response plan.

The upgrading of ports to accommodate larger vessels was investigated by the Deep Sea Port Investigation Committee. The investigation of this issue has been ongoing for more than five years and came about because the grain industry in South Australia realised that it had to meet the shipping requirements of its overseas customers. These customers are moving towards the use of bulk vessels of up to 80 000 dead weight tonnes, which are capable of carrying more grain at less cost per tonne, leading to significant reductions in freight costs for the customer. Currently, Port Lincoln is, I believe, the only port that can accommodate vessels of this size in South Australia.

Increased competition from other countries from our traditional markets means that South Australia has to accommodate these bigger ships or lose export sales. This is vitally important because 85 per cent of the average South Australian grain crop is exported, contributing, on average, $1 billion to the South Australian economy, mostly in rural areas. The South Australian Farmers Federation notes that international marketers such as the Australian Wheat Board and the Australian Barley Board now charter around 40 per cent of their export shipping, forcing closer attention to competitive port costs in an environment where the state borders have become much less relevant. Along with these changes has been a decrease in the availability of the smaller vessels.

This is an appropriate occasion to mention the Centre for Labour Research report entitled 'Risky Business' that was commissioned by the Public Service Association of South Australia, and its supplement prepared by Professor John Quiggin. Following the publication of the claims arising from that supplement, the government Sale Project Team commissioned the independent review undertaken by the Adelaide corporate advisory firm of Leadenhall Australia Limited. The review identified a number of areas where Professor Quiggin's assumptions were faulty. For example, Professor Quiggin used an interest rate of 6 per cent when working out the cost of retiring government debt, when the average rate the government was, and is, paying has varied but has been closer to 10 per cent. This represents a huge difference when dealing in millions of dollars. Professor Quiggin also used projected Ports Corp income from assets that have already been sold in modelling income for future years, so his figures were 34 per cent too high for the 1997 year.

The government has consulted with staff and workers and has negotiated with them through the respective unions to protect their workplace arrangements. The result, agreed by the MUA and the AMOU, will ensure a smooth transition in ownership of the ports. The passage of this bill looks to the future of South Australia so that we can trade in a global economy with confidence. The government has actively explored the possibility of mining deposits that may lead to large-scale mining. The potential exists for our ports in the future to be part of commercial ventures such as mining. The future of our ports—particularly Thevenard and Port Lincoln—and our state looks very exciting. I support the bill.

Debate adjourned.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CREMATION BILL

Received from the Legislative Council and read a first time.

ALICE SPRINGS TO DARWIN RAILWAY (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

WATER RESOURCES (WATER ALLOCATIONS) AMENDMENT BILL

The Legislative Council agreed to grant a conference as requested by the House of Assembly. The Legislative Council named the hour of 10 p.m. this day to receive the managers on behalf of the House of Assembly, at the Plaza Room on the first floor of the Legislative Council.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That a message be sent to the Legislative Council agreeing to the time and place appointed by the council.

Motion carried.

The Hon. M.H. ARMITAGE: I move:

That the sitting of the House be continued during the conference with the Legislative Council on the bill.

Motion carried.

The Hon. M.H. ARMITAGE: I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

Debate resumed.

Mr LEWIS (Hammond): Thank you for the opportunity to make a contribution to the proposal we have before us to sell the ports. The proposition in principle is one of which I approve. I have made no secret of my approval at any time over the last 21 years during the course of my representation of the people in that area of the state largely referred to as the Mallee. However, during the course of that time successive governments, until this government, have ignored what I have seen as the desirability of allowing ports to be operated as a business rather than as a statutory responsibility of government. Surely, it was essential at the time of settlement to have government establish the ports, because it was much simpler so to do, and there was no local economy, anyway.

Private interests were better put to doing other things—producing things for which there was an immediate sale without involving a burden on the development of those enterprises by requiring the people who were trying to produce such goods for export to deal with a privately-owned port. It was seen as being in the public's interest; for the common good. The time has now been reached, however, when governments really have no further need to own and control ports other than to provide in law the framework by which free and ready access to them ought to be provided against the risk which might arise of one industry or business being disadvantaged simply because the owners of the port desired otherwise.

My support for the proposal thus far is strong but it begins to weaken beyond that point. I understand that the government has commissioned analyses of the various models of 'for sale' but before I address that matter I first point out, as the member for Flinders pointed out, that we live in times of great change. The manner in which cargoes are shifted around the world, whether by land or by sea—and in the case of the St Lawrence, for instance, there is the opportunity for competition between the two mediums—are changing. It is not just now necessary for us to contemplate that the cheapest and best way of shifting something from Adelaide to Sydney, to Melbourne or, for that matter, to Port Augusta or anywhere else is by rail.

There ought to be greater and freer opportunity for sea freight to compete with land freight and, in that respect, the present proposal permits that if the economics of any given journey dictate that it will be more efficient to go one way rather than the other. However, many of our ports are purpose built, and I am using the term 'port' generically but only to mean those ports that belong to the state. They are single purpose. That does not mean that they would always be so. Indeed, we have had a fairly poor policy in the development of mineral resources around this state, and there is no question but that ports such as Thevenard will become of far greater importance to the mining industry and to the state in gross value of cargo and tonnage of cargo, say, as ports through which resources from the mining industry are shipped than as ports connected with resources from, say, the grain industry.

Other people will want access to the facilities of the ports, and I will come to them later. My reason for referring to modes of transport, land or sea (and on sea modes of transport), and to the notion that at present and historically some ports have been significant or exclusively for only one industry, is that nothing in the future is certain in that regard other than that change will be part of it. I fondly hope, and with good reason I believe, that many of those ports will become significant out-ports for the export of mining products. As it stands, there could be some difficulties in getting those considerations, that is, port access for new industry wishing to ship its product, if it is a mining industry, say, from the nearest and most efficiently available port under the terms and arrangements of the sale agreements or leases that we have in the legislation before us.

Equally, we have flirted with the idea of using barges to carry grain around our gulf waters to get to major out- ports, but we have not done that in any deliberate way that has been driven by sound economics, because I note that we have never done much with self-unloading barges. We could have developed a huge gypsum industry on the eastern shores of Lake Albert using self-unloading barges with low draught to carry that material across the lakes and out through the Murray Mouth, but that has not been done—it is just all too hard. Elsewhere in the world, in countries with an economy like ours, it would have been done.

Around the Great Lakes it certainly would have been done and is done: whether it is gypsum or some other hard material that is mined or quarried, they do it. Self-unloading barges, I do not think, have been adequately evaluated as the means by which we can shift grain around in South Australia. The present sale model then is flawed in that it presumes that the best value will come—and I know it will be the easiest way out—from selling all the ports in one bundle. I acknowledge that some ports, as they stand at present, are under the burden of rigid industrial relations laws that prevent workplace agreements that differ from port to port, circumstance to circumstance, and, whilst they are becoming more flexible, they are still the root cause of many of our problems.

We need then to address the prospect of our being able, in a freer labour market and in a better industrial relations climate (where enterprise bargains are possible) to adopt those new technologies of the type to which I have just referred—self-unloading barges. They are shallow draught vessels, usually, that can be rapidly and easily loaded and unloaded to the extent, for instance, that if we were to use them to load grain they would be at least as quick as any of the terminals that we have at the present time in terms of vessel turnaround, and certainly as competitive because there would be very little, if any, demurrage.

Vessels could simply anchor offshore in deeper water and the self-unloading barges could ferry the material from them—grain or whatever—without the cost of wharfage being as high as it is at the present time for the reasons I have mentioned and some of which I have not mentioned (and which do not really warrant mention at this point). My fear, then, is that if we use this model of one buyer for the lot we will not adopt those more efficient techniques and we will still have the problem of stultifying the development of the mining industry and other bulk commodity low perishable or no-perishable types of commodities that could otherwise be developed. It will be so inflexible.

I do not see the means in this legislation by which it will be possible for a new port to be established by a private operator. Indeed, I have a worry about the way in which the provisions for planning law approval vary from those that apply everywhere else, and I will mention something of that in a moment. I am of the view, then, that there ought to be more than just what we see at auctions: a number of grain ports, some of which, really, as grain ports are not priceless but useless—they do not fit into the future technology of grain shipping and, unquestionably, the new buyer will immediately recognise that they are useless. They virtually have salvage value and not much more. If it is possible, they need to be upgraded. In other places, we are restricted in our ability to accommodate the kinds of vessels to which other speakers have drawn attention in the course of their remarks.

Commonly now, panamax freighters are the means by which grains and other bulk commodities are shifted around this globe, and they are even bigger than that in the case of container and oil carriers. However, our major port in Adelaide has insufficient draft for those vessels to be given complete access to that terminal for fully loading and then moving off to the port of out-turn with their cargo. It strikes me, then, as quaint that we seek to sell the ports without giving a commitment to make it possible for the vessels of the present and immediate future to get to our principal outport, especially in the light of the circumstances to which the honourable member for Ross Smith referred, where we find we have money to spend on building stadiums for people who already have plenty of money to provide those stadiums for themselves. It will not enhance their health to sit down on Sunday afternoon, kick up the adrenalin level and smoke and drink in the process outback of the stand. I do not see any reason why we should be spending that money there, especially when we have needs for it in other ways. This surely is one of the other ways to ensure that we continue to be competitive.

Therefore, in my judgment, it is important for us to give assurances that that will happen. It will enhance the bid by more than the cost. We should be able to privately establish and let the contracts for that work, or guarantee the cost of doing it to the new owners or leaseholders more efficiently than they could do it without such government guarantee on it, because the successful contractor will have a greater level of confidence and, therefore, build less risk into the price that it will bid when competing with others to get the contract to do the dredging. It is to my mind, then, unfortunate that we have not included that in the legislation.

Other members have drawn attention to the desirability of the sort of whacked up deal between the competing elements in the grain industry to do this or that to one or other of the outports without objectively looking at South Australia's coastline and the yield that we get from the existing agricultural industries on a per square kilometre basis and asking, 'Where can we most efficiently and sensibly locate a port on the existing coastline? Is it in any one of the sites that we occupy at present?'—where, by the way, the machinery is almost at the end of its life, if it has not already been bandaided into continued service. Where can we find such a place? They have not done that.

If they were to have done it, they would have come to the conclusion that the northern end of Tickera Bay, at a place called Mypony Point, is where the other major deep sea port ought to be located—not in one of the other fancy places where they cut a deal between themselves and involving whichever organisation it is that is having a say over what will happen and how, and how they will round up the votes. That would be in South Australia's best interests, because of its proximity not only to the cereal growing areas but also to the deep water immediately close to shore and the simplicity with which in today's terms we could construct access to it by rail and road. The terrain is simple, and the cost of getting to it would be inexpensive per kilometre compared to some other places.

Why the hell we would go halfway down Yorke Peninsula or somewhere else equally inaccessible just because some port facility is already there is a bit beyond me. The scope of the studies that have been done have been inadequate. It is shame that we bring in legislation to sell off the ports as a government without having taken that into consideration. If we do not have the means and the skills within the government, then we should use a consulting firm that has, and let them show that by demonstration of other work they have done that they do have it. So, I draw attention to that deficiency.

I am in some measure satisfied, unlike other members who have spoken, that adequate recreational access is provided and that transferring that in law to local government to negotiate with the port owner is a good thing. However, I am not satisfied that only one owner ought to be the way to go, because the people who want the grain ports could collude and go into a consortium with the people who want to own the container port. They will say, 'I won't bid for the grain ports any more than what I need for the container port and, if you don't bid for the container port any more than you would be prepared to bid for the grain ports, together we can pool our money, and that ought to make it possible for us to get the lowest possible price on the table when we negotiate the deal.'

It would be better if we were to break up the ports into packages—and in this respect I am not talking about dollar boxes. At present, we have the kind of thing you see at a sale at a dollar box, where you have an old bottle opener, a hatband stitcher, a broken shearing handpiece and a couple of other odds and ends thrown into a box and asked, 'What am I bid?' You would get a dollar for it. Somebody will want it because it contains an old handpiece, and somebody else might want it because it has a hatband repairer or a bag tier in it. However, the two of them will not bid against each other.

In my judgment, therefore, it is better to have sold the ports in separate lots. I have not seen the study that would enable me to come to an alternative conclusion, that is, the conclusion that the government has reached. I know it may be simpler, and it is easy argue rhetorically that it is simpler to do it in one hit.

I will turn from that and go straight to clauses 10 and 25, where I see there is another anomaly in the legislative provisions: whether it is leased or sold, the Development Act no longer applies, and subdivision of the land can occur without it being necessary to go through the same strictures as everybody else must do. If you look at clause 25, you see that it simply provides that a transaction under this legislation is not subject to the Land and Business Sale and Conveyancing Act 1994, nor is it subject to the Retail and Commercial Leases Act 1995 or the Development Act 1993. It is subject to the provisions of this act alone.

The other thing that I thought was quaint was that clause 30 provides that no work carried out by the purchaser in relation to the land that is being bought is to be considered a public work for the purposes of the Parliamentary Commit-

tees Act, unless the cost of the work exceeds $4 million and the whole or part of the costs are to be met from money provided by the parliament or state instrumentality. That is already the definition of a public work, for God's sake. It just does not make sense to restate that—unless it is considered that the Parliamentary Committees Act is in some way ambiguous, and I do not think it is. I am pleased to see, though, in clause 19 that there is a limitation on cross ownership to prevent people who might presently own ports such as Melbourne from buying the port of Adelaide or any other port in South Australia and closing it down against the best interests of the state's economy but in compliance with their commercial interests by shipping, all the freight to their port in Melbourne. Therefore, I am pleased to say that on judgment it is a good idea, but there are measures in it that need to be cleaned up before I can support it.

Time expired.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank members for both their temperate and intemperate contributions. In closing the second reading debate, I will address a number of issues. Members will have an opportunity in committee to raise issues, but hopefully some of the issues which have been raised can be addressed now in order to prevent delay of the chamber unnecessarily.

One of the earliest contributions talked in great measure about how the government was opening up for, in essence, raping and pillaging Sea-Land. Indeed, nothing could be further from the truth. Part 7 in clause 19 of the bill—in fact the whole clause—relates to a limitation on cross ownership. There are a number of reasons for that limitation on cross ownership, one of which primarily is that we were extraordinarily keen to ensure that a purchaser of a port that was seen as an immediate competitor to the port of Adelaide would not been able to purchase or, in this instance, lease the port and close it down and take the exports through, for argument's sake, the port of Melbourne and those limitations on cross ownership, whilst not what they were written for, do have the direct effect of protecting Sea-Land. I will talk more about Sea-Land later.

Another item mentioned earlier was the withdrawal of the Kangaroo Island ports from the sale and lease process. It was clear early on that the Kangaroo Island ports were different from the other ports because they were indeed not export ports. Whilst at no stage have we been canvassing bids, a number of interested players from around the world have expressed at least an early interest in the asset which is, to a certain extent, good for a sale or lease process, but it is my experience that often the people who are interested early on in the process end up not being at the finish line and people who are not involved early in the bid are the ones keeping their powder dry. However, the early bidders indicated that they were not interested in the Kangaroo Island ports because they were not export ports.

The member for Hart made an impassioned contribution and indicated at one stage words to the effect of 'had the government wanted to negotiate some of the clauses, he was open to that'. He then said, 'I'll now vote against it' because of a contribution which I made. The facts belie what the member for Hart said. In the first two private briefings or discussions that the member for Hart and I had he said, 'Michael, it's privatisation, it's politically on the nose and we're going to vote against it.' At no stage was he ever intending to vote for this legislation. The member for Hart also said, 'At no stage did government officers speak to me about land issues.'

Mr Foley: 'Offer me a briefing'.

The Hon. M.H. ARMITAGE: I am being corrected, and I want to be absolutely accurate in this: 'At no stage did government officers offer me a briefing about land issues.' Methinks that the member for Hart has gone to the well of truth once too often and found it to be dry, because the planning consultant intimately involved with the planning and land issues had a one hour discussion with the member for Hart on 9 June. She faxed information to the member for Hart on 15 June.

Mr FOLEY: On a point of order, sir, I draw the minister's attention to the fact that it would be unfortunate if the minister was found to be misleading the House.

The DEPUTY SPEAKER: Order! There is no point of order.

The Hon. M.D. RANN: On a point of order, sir—

The DEPUTY SPEAKER: Order! The Leader of the Opposition is out of his seat.

The Hon. M.D. RANN: The minister explicitly, as well as implicitly, reflected on the truthfulness of the member for Hart and must withdraw.

The DEPUTY SPEAKER: Order! There is no point of order.

The Hon. M.H. ARMITAGE: On 15 June our planning consultant faxed information to the member for Hart's office. On 23 June the planning consultant faxed information to the member for Hart's office. On 28 June the planning consultant faxed information to the member for Hart's office. On 28 June the member for Hart's office called the planning consultant. On 29 June they met outside the blue room, although I believe it was not necessarily a meeting. At that stage the member for Hart indicated to our planning consultant that he would call her for information, but he did not. The member for Hart told our office that he did not want to be consulted; he just wanted the Port Adelaide Enfield council to be happy and the consultant reported to him on progress.

It is a large claim by the member for Hart to say that at no stage did government officers offer him a briefing about land issues because there is a litany of times when just that did occur. I understand the member for Hart only too well when he rails about what the government has done to his electorate. He knows, however, that he should be saying what the government has done for his electorate in that we have remediated a lot of land under Land Management Corporation control. We stopped the ship breaking following consultation from him and his constituents on *Talking Point* and indeed we stopped discharge from the Port Adelaide waste water treatment plant into the Port River, which is something that no Labor government ever contemplated, let alone did. The member for Hart may be crying crocodile tears in relation to his electorate.

A number of allegations have been made about the government and Sea-Land. What I have told Sea-Land and Andy Andrews when he was here and the senior managers, from both Adelaide and from the United States, is that the government is delighted with Sea-Land's performance. We are fully cognisant of the fact that it is the most efficient port operator in Australia. I have, however, queried many people about whether they are the most efficient in the world and whether they can be more efficient. As late as yesterday, they indicated that they thought that they could in fact be more efficient.

It is certainly the view of the government that what is likely to make a terminal operator more efficient in fact is the prospect of competition. In saying that we have not taken into account Sea-Land, the opposition is expecting us on behalf of the taxpayer to give Sea-Land a 10 year extension on top of its contract that already runs to 2004. It is actually saying that we would give Sea-Land nearly 15 years of an opportunity to be our sole terminal operator with no competitive pressure on it whatsoever. That is fatuous. The government has no problem if Sea-Land ends up being the terminal operator—it is a good operator, I have told them that and have indicated it to the House.

However, we believe that all taxpayers have a right to know is whether, if Sea-Land ends up running the terminal, it is giving us the best deal. Has it made the most effective and efficient use of its resources on behalf of the taxpayer of South Australia? We are intent upon Sea-Land being forced to address a number of those issues. One member opposite—possibly the deputy leader—talked about some expectations of Sea-Land. One of those expectations is that it would have exclusive rights to be the terminal operator until the container facility handled 250 000 TEUs. The member for Hart identified that we are doing about 120 000 or 130 000 at the moment (I think it is less than that, but it is in that vicinity). It wants to double its opportunity to earn money from South Australian exporters without a single competitive pressure being placed on it. That is absolutely, as I said before, fatuous.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: People have suggested the port of Melbourne is competition, and indeed it is, but it is vastly different from having at least the threat of competition on the land nearby. That is real competition.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: I have no problem whatsoever if there was a competitive process and Sea-Land won the competition to be our terminal operator. I would have no problem with that, nor would the government. We have a problem with giving a private sector company a 15-year contract with no competition, which is what the member for Hart and the deputy leader have suggested, and exactly the same thing would apply with an extension to 250 000 TEUs. As a number of members on this side of the chamber have identified, the employees have agreed already to very generous conditions if and when a sale or lease takes place.

In relation to the channel deepening, yes, a study is being done. What I have to say amazed me was that three or four weeks ago I asked what I thought were legitimate, if you like, semi-scientific questions: What is actually on the bottom of the river? What can we do with it? What are the problems? The answer was—

Ms Hurley interjecting:

The Hon. M.H. ARMITAGE: One might ask, 'Why did the Deep Sea Port Investigation Committee not do that?' Accordingly, a study is now being done and any decision to deepen the ports will be reflected in the contract which we write with the successful proponent. I emphasise to the chamber that our advice is that upon deepening there will be somewhere between a $6 and $10 per tonne benefit of the panamax vessels to the exporters, in particular, to the grain growers—$6 to $10 per tonne. The government's view is that there is an opportunity, should we say, for the grain industry to contribute given that it will be the beneficiary to the extent of $6 to $10 per tonne from the deeper port.

The member for Ross Smith made a peripatetic contribution. He talked about form. I am aware of two particular occasions where the member for Ross Smith has been put to the test; the first related to his effort to remain the deputy leader and the second was in his preselection efforts earlier this year. He has great form. In relation to recreational fishing agreements, as the member for Goyder identified, we released our policy at Wallaroo earlier this year and, just so that the House is absolutely clear, the recreational fishing agreements will be between the local council and the owner.

All issues such as whether there will be access, whether the access will be free, and so on, will all be in the direct control of the local council because it is very much in its interests to maintain the opportunity for people to use the wharves for recreational fishing given the need for safety precautions. I am not sure whether any members opposite have actually been on the wharves, either fishing or walking, when a vessel has been loading, but there are trucks going past and there are cranes and front-end loaders, etc. They are actually quite dangerous places, particularly when one talks about fishing exercises which usually involve children and families. The point is that at present the access is limited by occupational health and safety precautions.

It is not expected that a local council will do anything other than have similar precautions and we would certainly not expect that a local council would come to an agreement with the new owner whereby it would charge access to a recreational fishing facility. It would not be in the council's interests to do so and we would not expect it to do so. If, however, for some reason a local council decided to do that, it would be on their head and I do not believe it would. If the member for Ross Smith chooses to read the legislation, he will see that it identifies that the recreational agreements can be changed only with the agreement of both parties, so it is not as if there would be a possibility to change the facility for free access.

There are two other things I want to say before closing. First, a number of members on this side of the chamber have identified that, given an issue that arose which the member for Schubert mentioned relating to SAFF, SABCH and the government possibly looking at a monetary contribution at the site of the infrastructure, we would intend to adjourn the debate after the second clause but, before doing so, it is important that I identify the government's commitment to the port deepening. For some time, through the Deputy Premier we have been identifying to the grain industry that we fully understood the need for a port deepening. The government has identified in all those discussions, and in every single discussion and public questioning that I have had I have identified, that the new owner or new lessee, as part of the contract which we would sign, would be forced to commit to a full deepening of Port Giles, a partial deepening of Wallaroo and a partial deepening of Port Adelaide.

As I have indicated to a number of people from the grain industry, that is not necessarily everything they are after and they have identified that it is not everything we are after. By making that commitment we are identifying that the people of South Australia will not receive the full quantum of the sale value because the new lessee will obviously diminish its offer price by what it believes will be required to still be successful and to identify the costs.

We have also said that the Independent Regulator will be involved in setting a reasonable price. When I say 'reasonable', I indicate that I spoke with the Victorian Independent Regulator, who indicated that in a similar

circumstance he would do two things, the first of which would be to assess all the infrastructure to make sure that if a company identified that it had put in, say, $50 million and it had in fact spent $50 million, and not $25 million, he would work out a price that would give it a reasonable rate of return on its investment so that it would be encouraged to continue to invest in state-of-the-art equipment, and so on, during the course of the lease. He would then also assess a legitimate price for the efficiencies of usage so that there was a reasonable rate of return but the users of the port were not being fleeced by the lessee. As has been indicated, the Independent Regulator will be involved in setting the prices after the initial three year IPO.

The important point about the deepening of the port is that a number of members on both sides of the chamber—perhaps some with more passion than others—have said that the deepening of the port is vital for the grain industry. We acknowledge that, but there is only one way in which that will occur, and that is if the sale or lease occurs and the lessee is required, as part of the contract that they will sign with us, to achieve what I have indicated. I make that commitment specifically, recognising that I have identified to members of the grain industry that that commitment would be made on the record and would be reflected in the contracts which we would write.

With that in mind, I thank everyone who has contributed to a debate about a very important topic, which will see an increase in traffic across the ports of South Australia, increased employment opportunity and, we are sure, bonuses for many segments of South Australian society.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

RENMARK IRRIGATION TRUST (RATING) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

SOUTHERN STATE SUPERANNUATION (CONTRIBUTIONS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

BOXING AND MARTIAL ARTS BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 10.20 p.m. the House adjourned until Wednesday 5 July at 2 p.m.