

HOUSE OF ASSEMBLY**Tuesday 7 November 2000**

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

AUTHORISED BETTING OPERATIONS BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

TAB (DISPOSAL) BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

BELAIR TRAFFIC LIGHTS

A petition signed by 324 residents of South Australia, requesting that the House urge the government to install traffic lights at the intersection of Main Road and Laffers Road, Belair, was presented by the Hon. I.F. Evans.

Petition received.

LIBRARY FUNDING

A petition signed by 240 residents of South Australia, requesting that the House ensure government funding of public libraries is maintained, was presented by the Hon. J. Hall.

Petition received.

BARCOO OUTLET

A petition signed by 340 residents of South Australia, requesting that the House ensure that stormwater from the Barcoo Outlet is treated to stop polluted water entering Gulf St Vincent, was presented by Ms Key.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.W. Olsen)—

- Adelaide Capital City Committee—Report, 1999-2000
- Office for the Commissioner for Public Employment—Report, 1999-2000
- Operations of the Auditor-General's Department—Report, 1999-2000
- South Australian Multicultural and Ethnic Affairs Commission—Report, 1999-2000

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

Dairy Authority of South Australia—Report, 1999-2000

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

- Adelaide Festival Centre—Report, 1999-2000
- Adelaide Festival Corporation—Report, 1999-2000
- Art Gallery Board—Report, 1999-2000
- Australian Dance Theatre—Report, 1999
- Carrick Hill Trust—Report, 1999-2000

- Chiropractors Board of South Australia—Report, 1999-2000
- Community Information Strategies Australia—Report, 1999-2000
- Country Arts SA—Report, 1999-2000
- Disability Information and Resource Centre Inc.—Report, 1999-2000
- Guardianship Board of South Australia—Report, 1999-2000
- History Trust of South Australia—Report, 1999-2000
- Jam Factory Contemporary Craft and Design Inc.—Report, 1999-2000
- Nurses Board South Australia—Report, 1999-2000
- Occupational Therapists Registration Board of South Australia—Report, 1999-2000
- Office of the Public Advocate—Report, 1999-2000
- Operation of the Motor Vehicles Act 1959—Review, October 2000
- South Australian Aboriginal Housing Authority—Report, 1999-2000
- South Australian Community Housing Authority—Report, 1999-2000
- South Australian Film Corporation—Report, 1999-2000
- South Australian Museum Board—Report, 1999-2000
- State Opera of South Australia—Report, 1999-2000
- State Theatre Company of South Australia—Report, 1999-2000
- Supported Residential Facilities Advisory Committee—Report, 1999-2000
- Regulations under the following Acts—
 - Development—Fire Authorities
 - Optometrists—Fees
- City of Salisbury By-Law—No 10—Dogs
- District Council of Yankalilla By-Law—No 19—Protection of Dunes

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

- Industrial and Commercial Premises Corporation—Report, 1999-2000
- Land Management Corporation—Report, 1999-2000
- Lotteries Commission of South Australia—Report, 1999-2000
- Ports Corp South Australia—Report, 1999-2000
- Regulations under the following Acts—
 - Construction Industry Long Service Leave—Services
 - State Records—Exclusion from Application
 - Workers Rehabilitation and Compensation—Crown Agency
- Public Corporations Act—Ministerial Direction—South Australian Water Corporation—Extinguishment of Easement

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

- Flinders Osborne Trading Pty Ltd Obligations Under the Gas Sale Agreement—Report, 2000
- Flinders Osborne Trading Pty Ltd Obligations Under the Power Purchase Agreement—Report, 2000
- Flinders Power Pty Ltd Obligations Under the Gas Sale Agreement—Report, 2000
- Flinders Power Pty Ltd Obligations Under the Power Purchase Agreement—Report, 2000
- Electricity Act—Regulations—Industry Regulators Powers—Variation

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

- Attorney-General's Department—Report, 1999-2000
- Martindale Hall Conservation Trust—Report, 1999-2000
- Public Trustee—Report, 1999-2000
- Regulations under the following Acts—
 - Firearms—International Shooters Checks
 - Liquor Licensing—Dry Areas—Mount Gambier
- Supreme Court Rules—Supreme Court Act—Service of Documents

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

- Arid Areas Catchment Water Management Board—
Report, 1999-2000
- Arid Areas Water Resources Planning Committee—
Report, 1999-2000
- Clare Valley Water Resources Planning Committee—
Report, 1999-2000
- Eyre Region Water Resources Planning Committee—
Report, 1999-2000
- Mallee Water Resources Planning Committee—Report,
1999-2000
- South East Catchment Water Management Board—
Report, 1999-2000
- State Water Plan 1995, South Australia—Our Water, Our
Future, September 2000
- Water Well Drilling Committee—Report, 1999-2000
- Water Resources—Regulations—Holding Allocation
Exemption

By the Minister for Police, Correctional Services and
Emergency Services (Hon. R.L. Brokenshire)—

- SA Ambulance Service—Report, 1999-2000

By the Minister for Local Government (Hon. D.C.
Kotz)—

- Local Government Act 1999—Superannuation Scheme
Rules—
Un-paid Contributions.

PERFORMANCE CRITERIA

In reply to **Ms HURLEY** (4 October).

The Hon. J.W. OLSEN: While the Auditor-General's 'overview' (page 26) comments that 'no action has been taken by the government during 1999-2000 to address this matter,' in fact his fuller commentary in the body of his report notes progress on this matter:

In May 2000 the Office for the Commissioner for Public Employment developed a comprehensive proposal for Chief Executive Performance Reviews. The proposal was discussed by the Senior Management Council in June 2000. The various members of the council resolved to take up the issues raised in the proposal with their respective ministers.

The Commissioner for Public Employment has advised Audit that he will be following up this matter during 2000-2001.

The Senior Management Council and ministers are currently in the process of discussing the issue. The Commissioner for Public Employment will report progressively on this matter.

ABORIGINAL COMMUNITIES, WATER METERS

In reply to **Ms KEY** (25 October).

The Hon. D.C. KOTZ: As I stated in my original answer to Ms Key, the Anangu Pitjantjatjara Council manages the essential services provided within the Anangu Pitjantjatjara Lands.

The government through the Department of State Aboriginal Affairs (DOSAA) has an ongoing commitment with the Aboriginal and Torres Strait Islander Commission (ATSIC) Capital Works Program and its maintenance program to install water meters in Aboriginal communities.

In the 1997-98 financial year, DOSAA, under ATSIC's Capital Works Program and DOSAA's maintenance program, arranged for meters to be installed in three communities at a cost of \$160 935. This included costs of:

- \$2 555 at Koonibba;
- \$144 380 at Indulkana; and,
- \$14 000 at Yarlenna.

In the 1999-2000 financial year, DOSAA, under ATSIC's Capital Works Program, arranged for meters to be installed in two communities at a cost of \$135 990. This included costs of:

- \$98 253 at Pipalyatjara; and,
- \$37 737 at Ernabella.

In the 2000-01 financial year DOSAA plans to, through ATSIC's Capital Works Program funding of \$300 000, install meters in the following communities:

- Nepabunna;
- Mimili;
- Yalata;

- Amata; and,
- Yunyarinyi.

MURRAY RIVER

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: Over the past 200 years, with the best intentions, Australians—South Australians—have used land practices which do not belong here. The alarm bells have been ringing for successive governments of all political persuasions. To continue on this path means damaging and destroying the very land, waterways and environment we depend upon to survive—in some cases, damaging and destroying to a point of no return.

For South Australia, that path would have particularly dire consequences. The equation for us is a simple one: if the problems facing the Murray River are not addressed in 20 years' time, Adelaide's water will not be drinkable two days out of five—inexplicable for a developed nation in the 21st century.

The impact on our regions will be particularly dire—many simply will not survive without action. While the various state governments have taken individual steps to halt the rot (and South Australia can lay claim to being a national leader in addressing tree clearance and revegetation), it was clear to the South Australian government that the rehabilitation process needed to be dramatically increased.

As Premier, I took the view that we needed to put the plight of the nation's waterways, particularly the problems facing the Murray River, on the national agenda; and that as a nation we needed to recognise that we have a crisis on our hands, arguably the biggest environmental and economic challenge facing Australia.

At the heart of the matter was always going to be the cost of the clean-up. The fact is that a great deal of money will be required to fix the damage. The state government took the view that only with a national approach—where national salinity and water quality targets were set, where states, territories and the commonwealth were asked to commit funding to meet these targets—could we truly begin to make a significant difference.

That is why, for almost two years, we have lobbied the Prime Minister not only to put the plight of Australia's river system on the COAG agenda but also to put it at the top of the agenda. To the Prime Minister's credit, he recognised the importance of the issue and threw his support behind our campaign.

South Australians—from business to local communities—also played a significant role in raising the awareness. The people power of South Australia got behind the government and helped make the commonwealth and other states and territories sit up and take notice. And they have taken notice.

Last Friday, an historic agreement was struck between the Prime Minister and state and territory leaders to fund a \$1.4 billion Natural Resource Management Plan, a national strategy to tackle salinity and water quality across Australia. Last Friday, the commonwealth, states and territories drew a line in the sand in relation to this issue.

Additional funds over and above the \$1.4 billion will also be committed to compensate landowners who have their water allocation or tree clearing rights reduced under the Natural Resource Management Plan.

The nation's leaders had a unique opportunity to set in place a process to ensure the long term survival of Australia's waterways, and they grasped that opportunity. The question is whether the \$1.4 billion is enough; of course it is not. It must be seen for what it is: a beginning. There is no doubt that additional funding will have to be found. There is no doubt that a seven year planning time frame is not enough. We have urged the Prime Minister and other state and territory leaders to give support to establishing a planning time frame of the order of 15 to 20 years, and they gave that support.

This is a start; a national approach for the first time. There are significant benefits for South Australia in this first seven year phase. On top of the \$200 million in direct funding to South Australia, we will also significantly benefit as a downstream state from the \$700 million to be expended in New South Wales, Victoria and Queensland. It is not unrealistic to say that South Australia will benefit by almost \$1 billion in funding to tackle salinity and improve water quality. But the real key to ensuring success of the national plan is to ensure that we engage and involve local communities. Their enthusiasm and commitment to date have ensured that in South Australia at least we have made significant inroads. Only their continued support can ensure that we fix the problem once and for all.

Our next goal is to ensure that the commonwealth, states and territories sign off on an agreement as planned in December. This government will be doing our utmost to ensure that deadline is met and that programs can begin next year. As former American President Lyndon Johnson said in an address to the nation in 1963, 'Yesterday is not ours to recover, but tomorrow is ours to win or lose.' The real work now begins.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mr VENNING (Schubert): I bring up the 40th report of the committee, being the annual report 1999-2000, 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.

QUESTION TIME

NUCLEAR WASTE

The Hon. M.D. RANN (Leader of the Opposition): In the Premier's prepared ministerial statement on 19 November last year, did he mislead the House when he said that there had been no consultation with his government about intermediate level waste, given that the opposition now has 13 pieces of correspondence dated throughout 1998-99 between the Premier's own department and the federal government which discuss collocation in 21 separate references and show that there was full cooperation and full consultation from the Premier's department about the best site for the collocation of a store for long lived intermediate nuclear waste with a low level repository in South Australia? Did you mislead the House?

Members interjecting:

The SPEAKER: Order, the member for Schubert and the Deputy Leader!

Members interjecting:

The SPEAKER: Have the member for Schubert and the Deputy Premier finished? The Premier.

The Hon. J.W. OLSEN (Premier): No, certainly not. The government's position in relation to this matter is clear and specific. We have put it down in legislation that has been introduced into this parliament, and no clearer point can be put forward to this parliament than the legislative program. It has passed through this House, and it is a matter for consideration in the upper house.

NATURAL RESOURCE MANAGEMENT PLAN

Mrs MAYWALD (Chaffey): Can the Premier please advise the House of the priorities for South Australia under the natural resources management agreement that was announced last Friday at the COAG meeting?

The Hon. J.W. OLSEN (Premier): In thanking the member for Chaffey for this question, I acknowledge her interest in this area. A number of my colleagues also have an interest in matters relating to the Murray River. More than \$200 million is to be spent in South Australia following agreement between the commonwealth, states and territories.

Almost half the funding from the national action plan is expected to be directed towards new and expanded salt interception schemes—highly successful schemes that have removed something like more than half a million tonnes of salt from the river system since they were established. However, there are still significant problems. For example, an average of 2 500 tonnes of salt a day flows down the river—and that could rise, incidentally, to something like 3 500 tonnes of salt a day if additional work is not done.

With respect to the additional scheme regarding drainage as it relates to salt interception schemes, we will be looking to sign off with the commonwealth government on a range of programs. But we will be looking at additional schemes, for example, at Waikerie, Chowilla and Loxton. We also need to continue to manage irrigation drainage to ensure that salt from irrigation does not leach its way back into the river.

This morning, I visited Disher Creek, a holding basin, which emphasised the importance of irrigation and the drainage schemes that we currently have in place. Disher Creek, which services the entire Renmark irrigation area, stops about 12 000 tonnes of salt a year from leaching back into the river system—and at a pumping cost of something like a mere \$23 000 a year once the scheme has been put in place.

The government also will push for funds to be allocated towards revegetation and bush care, the drainage schemes to which I have referred, community-based environment programs, technical support to local action groups and research, development, education and awareness programs: in other words, an integrated management plan for salt interception and drainage schemes to remove the salt load flowing down the Murray River.

This is new funding. In the past five years, the South Australian government has contributed something like \$68 million to the Murray-Darling Basin Commission. Importantly, I sought on Friday a commitment that, in any new system that is put in place, we do not duplicate but rather use the resources of the Murray-Darling Basin Commission which have proved to be highly successful in rehabilitating the whole Murray-Darling Basin system. That assurance was

given—that the good work of the Murray-Darling Basin Commission will, in fact, be expanded upon and added to with these programs. In addition, the state government also funds a range of programs to the value of \$9 million a year, and they are salt interception schemes.

Tackling this problem is clearly a shared responsibility, and we need to engage and involve local communities if we are serious and want to have their support at a local level in getting this right.

It is interesting to note that, in the lead-up to COAG last week, the leader put out a press release which asked me a series of questions—questions that I am more than happy to respond to and answer, I might add. The leader wanted to know where I stood on rising petrol prices and why I was not supporting the issue of petrol pricing as being at the top of the COAG agenda. Along with my state and territory colleagues, I did support this matter going on the COAG agenda—

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —because petrol prices are unacceptably high and this is, no doubt, having an adverse impact, particularly on country motorists. That is why we have in place a subsidy scheme to try to iron out the discrepancies between metropolitan and country fuel prices. I have also indicated that we are checking to ensure that the cost to the South Australian taxpayer to try to even out the disparity between country and city is finding its way past the fuel companies, to the nozzle and to the purchaser in those regional areas. As I have reported to the House, to date it is clear that those funds are going through. The audit will be completed shortly, but that subsidy is finding its way through. The Prime Minister had made abundantly clear that he was not going to budge on this issue and he maintained that position on Friday.

But for the first time the nation's leaders had an opportunity to draw a line in the sand and say that no longer is it acceptable to allow our waterways to continue to deteriorate. We fought for two years to, first, get it on the COAG agenda and, secondly, to get it No.1 on the COAG agenda. We were not about to walk away from that and we would not allow the Labor Premiers to hijack COAG and the River Murray and salinity and water quality. That did not obviate the opportunity for a debate on petrol pricing. We could do both. I was not about to allow petrol pricing to take over, hijack or ruin COAG as it relates to River Murray salinity and water quality.

Certainly, in pushing ahead with that we achieved two goals. First, we got the outcome we wanted on the River Murray and that relates to salinity in the broader agricultural producing areas as well as water quality in the River Murray—we were successful in that. We also debated the issue of petrol pricing and the impact in country areas. It is about getting your priorities right. Whilst petrol prices are unacceptably high, we had the opportunity for the first time to tackle an issue of 100 years' duration or more and we were not going to let that opportunity pass. We did not and we were successful at the end of the day. That is what it is about in winning for South Australia.

NUCLEAR WASTE

The Hon. M.D. RANN (Leader of the Opposition): Did the Premier mislead the House on 19 November last year—

Members interjecting:

The Hon. M.D. RANN: We know how low your standards are and how different your priorities are—

The SPEAKER: Order!

The Hon. W.A. Matthew: Mike fabricator Rann.

The SPEAKER: Order, the Minister for Minerals and Energy!

The Hon. M.D. RANN: Keep your hair on! Did the Premier mislead the House on 19 November last year when, in a second ministerial statement on that day, he said that the only time he had heard about the intermediate level waste repository was in a single letter from the Prime Minister to him on 'a variety of issues' when in fact the Premier's own Director of Intergovernmental Relations, Christine Bierbaum, and his Director of Urban Resources, Phil Fagan-Schmidt, at his direction cooperated for two years with the federal government on the nuclear waste repository.

The Hon. J.W. OLSEN (Premier): Here we have an opposition that tries to rewrite history. In answer to the leader's question, no I did not.

COUNTRY FIRE SERVICE

The Hon. G.A. INGERSON (Bragg): My question is directed to the Minister for Police, Correctional Services and Emergency Services.

Mr Lewis interjecting:

The Hon. G.A. INGERSON: I thank you for your interest in my health and welfare. Will the Minister for Police, Correctional Services and Emergency Services explain to the House how the opening of the new accommodation facility at Brukunga for the Country Fire Service will improve training for its volunteers?

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I thank the member for Bragg for his interest in the volunteers and the CFS. I know that on the perimeters of his own electorate he has some very committed and well trained volunteers who have a difficult job.

Mr Foley interjecting:

The Hon. R.L. BROKENSHIRE: The member for Hart would not understand about difficult jobs for volunteers because in his little protected microcosm down there around Port Adelaide he actually does not understand about the CFS or Pelican Point. It is about time the member for Hart showed some interest in volunteers because he has SES volunteers down there who go out—

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

The Hon. R.L. BROKENSHIRE: —and need to be trained to do the work they are doing. That is what it is all about: it is about upgrading, training and supporting volunteers. I would have thought that for once the Labor Party, especially someone who aspires to take the top spot in the Labor Party, would be supporting fundamental issues such as volunteer training.

Members interjecting:

The Hon. R.L. BROKENSHIRE: Of course he is trying to take the top spot. Watch the spot over the next couple of months.

The Premier had the privilege of opening this magnificent facility up at Brukunga near Nairne at the weekend, and I was delighted as his Minister for Emergency Services to be able to attend the function. This is something that has been called for by volunteers and, in particular, the VFBA for some time. In fact, they have highlighted to me for over two years the

importance of the requirements for additional facilities at Brukunga. Brukunga is at least the second best if not arguably the best training centre for country fire volunteers in Australia. However, one of the problems was that prior to this opening only approximately 50 people could be accommodated at Brukunga for a training session.

We are well aware of the fact that when it comes to volunteers most of them are working during the week, and when they come in for an intensive course the least we can do as a community and government is to ensure that there is a facility on the campus of the Brukunga training centre where they can stay—unlike the situation in the past, when they had to stay with relatives or, indeed, in a caravan park, camping at Mount Barker or some other similar place, and commute.

At the weekend the Premier opened the new \$575 000 extension to the accommodation section of the Brukunga CFS State Training Centre. This will now allow up to 72 people to be accommodated at any one time.

The Hon. W.A. Matthew interjecting:

The Hon. R.L. BROKENSHIRE: My colleague asks, 'How did they pay for it?' Well, of course, they paid for it because we are now adequately funding emergency services—something of which the community, the government and the opposition should all be supportive because, as I have said many times and in answer to the member for Bright's question, the least everyone of us can do is provide adequate training and facilities, plant and equipment for our volunteers. That is what we are doing.

One of the other important aspects of this new accommodation block is that it will provide during the study and training periods of the volunteers both telephone and internet access. With information technology growing daily it is important that when it comes to training the volunteers we make sure that the internet and those other facilities are available.

I am pleased to report to the House that this facility is already fully booked. Although it was only some months ago that we started to get the main building work under way, the facility at the weekends has been fully booked. Not only will this be great for CFS, but SES is also involved in training there and it will provide accommodation for them.

In addition, I am pleased to see that, with this accommodation and with the opportunities being developed, the MFS now—as we have standardised a lot of the training and a lot of the equipment across the services—is going up there for some of their training needs. In fact, the last lot of MFS recruits who graduated into the MFS did specialist European training that had not been done before in South Australia at the Brukunga training centre.

The other opportunity is that we will be able to run holiday and school camping facilities there and thus generate further income that will be able to be poured back into further improvements and support for the volunteers. This new funding system again clearly highlights another opportunity whereby the government has been able to provide very quickly a facility for volunteers and the CFS. These volunteers will be able to travel from right across South Australia on a Friday night, go to first-class accommodation and training, and still be back in their own communities on Monday for work.

The one thing that was disappointing to me—knowing that the Volunteer Fire Brigades Association, which represents 17 400 volunteers from across this state, came to me eight or 10 months ago and, by virtue of the fact that the volunteers

are so committed to training and looking after our community, said that this accommodation was urgently required to enable them to undertake weekend training in a bigger group—was that when the Premier, with the media present, was opening this very important facility for those 17 400 volunteers sadly the state Labor opposition had a bash at the volunteers. I will explain what they said. They claimed that this was window dressing.

An honourable member: Who?

The Hon. R.L. BROKENSHIRE: It was put to me that the opposition—the Labor Party of South Australia—said in relation to a requirement to support 17 400 volunteers through the Volunteer Fire Brigades Association that, because we listened and we delivered, it was window dressing. That is a sad indictment on the Labor Party's attitude to volunteers. It is time it took note of what volunteers are doing for South Australia and supported them.

NUCLEAR WASTE

Mr HILL (Kuarna): Why did the Premier tell the House on 4 May this year that he did not know who were the state government officials on the commonwealth-state consultative committee who supported the collocation of a low and medium level nuclear waste dump or to whom they reported, even though the Premier's former chief policy adviser, John Chapman, confirmed in April 1998 that the Department of Premier and Cabinet was lead agency on this matter and that the Premier had informed Senator Parer of this in a letter dated 20 March 1998?

Members interjecting:

The SPEAKER: The leader will remain silent so that the chair can hear the reply.

The Hon. J.W. OLSEN (Premier): The statements that I put down in the House are a clear and accurate reflection. I indicated, and the Leader referred to two ministerial statements, including one that was put down. A cheque was made—

Ms Hurley interjecting:

The Hon. J.W. OLSEN: No, they were not, and I came back and put it in the context of the letter to the Prime Minister; and that is clear and specific.

EMPLOYMENT

Mr SCALZI (Hartley): Can the Premier inform the House of the latest coup for South Australian job seekers?

The Hon. J.W. OLSEN (Premier): It is interesting to see the reaction from across the border in Victoria. They do not seem to like it too much at the moment, because we have re-established South Australia as an investment destination in this country. We are back on the radar screen, and the Labor-led government in Victoria does not seem to like it very much at all.

One must question why these companies are considering and making the decision to relocate to South Australia. As I have said in the past, what we are not about and what we cannot do is simply throw buckets of money at these companies. We simply cannot afford to do that. If it comes down to a cheque book game, compared to New South Wales and Victoria, we will not win that game.

There are a number of other reasons why we are winning. So it is not the size of the cheque book. What are the factors about South Australia that set us apart? One of them is the stable industrial climate in this state. For four years we have

had a good industrial relations record in this state that has been second to none. I see comments in the *Age* last week from RMIT lecturer, Dr Andrew Scott, concerning the closure of the Chef factory in Brunswick and the Dishlex plant in Bayswater. Dr Scott lectures at the School of Social Science and Planning at RMIT and last year worked as a research consultant to the AMWU. Based on these credentials, I am sure that even the member for Hart and the Leader of the Opposition would be interested in what Dr Scott had to say when Email announced that it would spend \$15 million expanding its operations in Adelaide. Dr Scott said:

The closure of the Chef oven factory in Brunswick and the Dishlex plant in Bayswater is a result of the failure by the Bracks government to follow through on the industry policy commitments it gave before its election a year ago.

Dr Scott also said that the new office of manufacturing, which the Bracks government established, should have been out from day one assessing and anticipating any plant expansion requirements and possible job losses in Email and other manufacturing firms in Victoria. Instead, Dr Scott simply says that things have been allowed to drift. Dr Scott also quite rightly pointed out that the Heinz relocation from Victoria to New Zealand occurred 'with little more than a murmur or belated concern from Victorian Labor ministers'. Of course, we all know Dr Scott is spot on—he has hit the nail on the head in relation to that—and there is a warning: Labor governments do not deliver on policy commitments made before election. They do not plan for saving the existing jobs they have, let alone transferring those into an existing base.

Of course, the number of wildcat strikes we are seeing in Victoria at the moment is highlighting the need for people and companies to look at locating elsewhere other than Victoria. On the other hand, the government in South Australia is about creating jobs and an investment climate, attracting industry, diversifying our industry base and securing a better future for all South Australians. That is why we not only have investment coming in but we have population turnaround from the population drain of seven years ago, pressure in the residential property market both in the city and the country and we are seeing home prices rise 8 and 13 per cent (on average) across metropolitan and country areas of the state. All people—

Mr Foley interjecting:

The Hon. J.W. OLSEN: There is a growth in residential property values brought about by consumer confidence, which is brought about by having more players in the market and the benefits that flow on for small business. If more people are earning a pay packet and spending it within the community, the local supermarket, deli, service station and news agent all have more traffic past their front door. It is about expanding opportunity; it is about creating new initiatives. Not only is it about supporting larger companies to come here with large payrolls but those payrolls wind their way into benefits for the small business community in our state.

All South Australians have worked hard to recover from the disastrous years of seven and eight years ago. For example, Loxton is currently built out. Loxton needs further subdivision and it needs more water reticulation to put in place further subdivisions. The other day the mayor of Murray Bridge talked to me about a housing shortage in Murray Bridge. I went to Kingston in the South-East, and Cape Jaffa wants more power—expansion in that area. Whereas in the 1980s we had the contraction in country

towns and communities, now we have quite the reverse and we now have growing pains which are presenting infrastructure requirements, problems and challenges to us as a government, but I can assure members that we would far sooner have that than what we had in the 1980s. We would far sooner have to tackle the problems and the issues of expansion than see the contraction that has been taking place.

I note that a recent *Sunday Age* article in Victoria referred to Premier Bracks as 'Premier Brackwards' and commended him on the growth industry—it was the furniture removal industry as people were relocating to South Australia. Premier Bracks has been silent on a number of these issues.

The Leader of the Opposition has also been silent, but I know one or two policies are starting to emerge now. Remember we have the iconic building that we will build in South Australia. We will have a movie festival as well and, in addition, we will have holidays in South Australia for Nobel prize winners. Now commendable as that may be, I can just see the award ceremony now: 'Congratulations, you have won the Nobel prize, but you have also won a weekend in Adelaide courtesy of the Leader of the Opposition's policy direction.' What he has is blinkers, not thinkers. Let us look at some of the policies. If they are looking at literature, perhaps they could bring Bob Ellis over to help them. Perhaps Joan Kirner could help them with power and perhaps Rob Hulls or Steve Bracks could help with an industry policy. If the leader is serious about real policy directions, he ought to be putting them on the table but, by and large, other than those three areas we are talking about—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —there have been no ideas, vision, plan or strategy for South Australia, and the public of South Australia deserve better than that from this opposition.

Members interjecting:

The SPEAKER: Order, the Leader of the Opposition! There are too many audible interjections from both sides at the moment, and I would ask the whole House to come to order. The member for Kaurana.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart.

NUCLEAR WASTE

Mr HILL (Kaurana): Did the Premier mislead this House when he said on 19 November last year, 'We have not been consulted at all by the federal government on this issue,' given that a detailed—

Members interjecting:

The SPEAKER: Order! I point out to members on my right that I am not joking. There are too many interjections on my right, and I will start to do something about them.

Mr LEWIS: I rise on a point of order, sir. I could not hear that question; regardless of its merits, I would like to hear it.

The SPEAKER: The chair concurs with the member for Hammond. The member for Kaurana.

Mr HILL: Did the Premier mislead this House when he said on 19 November last year, 'We have not been consulted at all by the federal government on this issue,' given that a detailed, 12 page draft operational plan and design criteria for a collocated low and long-lived intermediate nuclear waste dump was sent to the Premier's department on 26 October 1999 by his colleague Senator Minchin's Department of Industry, Sciences and Resources for consultation?

Members interjecting:

The Hon. J.W. OLSEN (Premier): No; my answers to this House have been accurate. The honourable member bases his questions on the letters which I have released as communication between me and the Prime Minister or federal ministers and which underscore the position I have put down in this House.

INFORMATION ECONOMY 2002

Mr HAMILTON-SMITH (Waite): Will the Minister for Information Economy advise the House of the international advisory panel initiative of Information Economy 2002: Delivering the Future?

The Hon. M.H. ARMITAGE (Minister for Information Economy): I thank the member for Waite for his perceptive question about a very important initiative, which is a key initiative of Information Economy 2002. The IE 2002 'Delivering the future' policy has been widely acknowledged by dispassionate commentators as a cutting edge policy that clearly places South Australia at the forefront of thinking about the information economy. The broad thrust of the 21 initiatives for the 21st century have been particularly well received, with the deliberate and unashamed goal of making South Australia the most connected society on earth, through the benefits that will accrue to the people of South Australia when that is achieved. The international advisory panel was launched as part of the IE 2002 strategy, and I quote from IE 2002 about the initiative:

South Australia's local leadership in the information economy will be strengthened by the experience and expertise of eminent South Australians and other leaders from global businesses and communities of influence. The government will convene an information economy international advisory panel with a charter to provide South Australia with advice, insights and global perspectives on fundamental developments within the information economy.

That was in August this year. While those on this side of the Chamber and this side of politics are getting on with delivering the future, it appears as though the opposition has gone fishing. Indeed, it has gone fishing for policies. However, I acknowledge that it is a pleasant change, because previously we had seen nothing in the policy line whatsoever from the opposition. At least with the leader's catchy phrase, 'Thinkers in residence', we now have a vestige of a policy direction.

The Leader of the Opposition must have been pleased with his inspiration of South Australians' benefiting from international expertise. However, in reality it is nothing more than a direct steal of the international advisory panel. Further, it is already happening with the Festival of Ideas, which the government has funded and made happen. It is nothing revolutionary. It is nothing revolutionary and nothing more than building on the international advisory panel and the Festival of Ideas. Indeed, the policy anglers on the other side keep missing the fact that the information economy is changing everything. The opportunity to get ideas all the time from people who are international players and international thinkers via the information economy is at the press of an 'enter' button. We do not need to have thinkers in residence.

With the information economy, we can all socialise with, learn from and be informed by international thinkers without having to jump onto a 747 at the drop of a hat. We can draw on the experiences of South Australians, particularly those who have had broader experiences from outside South Australia, whether they are world leaders or merely concerned South Australians who want to contribute to South Australia.

With the benefits of the information economy, we can easily do as the *Advertiser* recently suggested—increase South Australia's profile as a knowledge rich and creative state; expose South Australians to the intellectual rigours of debating or learning from world experts; broaden local thinking; and improve the way in which we approach community problems. All that can be done merely by implementing IE 2002, which I reiterate was launched in August this year and from which the Leader of the Opposition has quite clearly stolen a policy idea. However, I suppose the whole prospect of being imitated is, indeed, sincere flattery. It is also good that we are getting some form of policy direction from members opposite.

The real challenge for South Australia is not to assess the opposition's stolen ideas but frankly to assess the idea that IE 2002 addresses: how do we become the most connected society on earth?

NUCLEAR WASTE

Mr HILL (Kaurna): If the Premier was opposed to the intermediate nuclear waste dump in this state, why did he fail to direct the Director of Intergovernmental Relations, Christine Bierbaum, to inform the federal government of that fact in responding to two draft discussion papers in June 1998 about the collocation issue? In response to the draft discussion papers as part of a consultation process, Ms Bierbaum raised the issue of who would own the land upon which the collocated intermediate long-lived nuclear waste dump was to be sited, and said that:

The government's preferred option would involve commonwealth ownership.

Ms Bierbaum also sought—

Members interjecting:

The SPEAKER: Order!

Mr HILL: —clarification on the collocation of the nuclear waste facility, because it would involve choosing the site that best suited both facilities. At that stage, the only sites identified in Australia were located in South Australia.

The Hon. J.W. OLSEN (Premier): My statements to the House last year and earlier this year have been clear. What I have also done is release the letters that went from me to commonwealth government ministers, putting down clearly the position. I have explained to the House the details of those letters in several ministerial statements. So I have clearly, specifically and accurately put down the position.

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes, I have.

ESTIMATES COMMITTEE REPLIES

Mr LEWIS (Hammond): My question is directed to the Premier, and I ask it in two parts. When will the Premier answer the questions that were put to him by me and other members during estimates committees, and when will other ministers answer questions put to them by me and other members in this House? It is now 7 November, and estimates committees began in the second week of June, some five months ago. Questions that I put to the Premier and other ministers during that process have not been answered and are not yet in the possession of *Hansard*, although some answers are awaiting. We have debated the budget estimates committees and we have not had that information to do anything about the matters we raised, in the time since.

The Hon. J.W. OLSEN (Premier): I will undertake to follow up that matter. I am unaware of the specific number of questions and to which portfolios they relate. But I will check it out—

Mr Lewis: Page 14, Estimates Committee A.

The Hon. J.W. OLSEN: Fine. I will be more than happy to have a look at that and report back.

NUCLEAR WASTE

Mr HILL (Kaurna): Why did the Premier tell the House on 19 November 1999 that if the federal government looked for a place to locate an intermediate level waste dump it would have to undertake a long investigation of several years across Australia, when the Premier's office had been formally notified in August 1999 that the commonwealth government was testing sites in South Australia for the medium level dump and that most sites tested were suitable?

A letter received by the Premier's department on 16 August 1999 from the Bureau of Rural Sciences notified the government of a second drilling program for the national waste repository. A formal notice informing the Premier's department of the reasons for using formal powers to enter South Australia to undertake further drilling included the following:

Most of the sites identified in the central north region of South Australia would be suitable for collocation of an above ground store for long lived intermediate level radioactive waste.

The Hon. J.W. OLSEN (Premier): I will go back and check the records to which the member for Kaurna is referring. I will be happy to do that and come back to the House with a reply in due course. But one thing that members of the Labor Party cannot seem to get in their mind is the clear policy of this government—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: —and they do not want to accept what the clear policy position is of this government. It is what we have put down in terms of no less than a public statement, no less than communication to federal ministers, the letters for which have been released.

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: In addition, legislative provisions have been passed by this House, no less than the policy direction of the government. That is our position. There can be no clearer point than legislative direction of a government to express its policy. That is what we have done. How do you get to a position of legislation? You take a cabinet submission in: you determine through cabinet policy. That is what determines public policy.

Is the member for Kaurna asking me what 80 000 public servants across government are discussing amongst one another from time to time? I can demonstrate that at no time did this matter come before—

Members interjecting:

The Hon. J.W. OLSEN: In fact, there has been an FOI, and the FOI clearly demonstrates the position that I have referred to.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition. He has had a fair go at disrupting the House.

CONSERVATION AND NATIONAL PARKS

Mrs PENFOLD (Flinders): Will the Minister for Recreation, Sport and Racing advise the House about recent additions to the state's conservation park and national park systems?

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): I thank the member for Flinders for her question and her interest in the national park and reserve system in general. I am pleased to have the opportunity to update the House on two recent and significant additions to our state reserve system.

As the House would be aware, over some time the government has been trying to develop a reserve system that has a good representation of the different environment associations, or bioregions, within our reserves and park systems. Over the past four to six weeks I have had the opportunity to open two parks that I think are significant contributions to our state reserve system. One was the Mokota Conservation Park, near Mount Bryan, near Burra in the Mid North, which is the state's first reserve set aside for native grasslands in particular.

While it may appear to be an ordinary paddock to the untrained eye, I assure the House that it really is a goldmine of grass, herb and shrub diversity, and there is no doubt that groups such as the Nature Conservation Society treasure the fact that the state has purchased such a property because it fills a gap that was in our reserve system. It was previously owned by the Gebhardt family, and we certainly appreciate their cooperation with government in purchasing that piece of land. It provides about 150 indigenous plant species with 32 species being of particular South Australian conservation significance. It was a significant purchase on behalf of the conservation movement and the state.

In the past week we have opened the Gawler Ranges National Park. It is the first national park opened in South Australia for some eight years and comprises 120 000 hectares, so it is a significant piece of land, formerly run by the Barns family. Having used it in part as a park with the Paney Pass, they enjoyed the fact that it was to be a national park and certainly cooperated with the government. I compliment the member for Flinders on attending the opening and giving her strong support for the establishment of the park. The member for Stuart also has a strong interest. This park has 21 rare and threatened species, some 220 plant species, 126 bird species, 33 mammal species, 18 reptile species and three frog species. It is of important environmental significance to the state to have the park.

Importantly for the rural communities such as Minnipa, Wudinna, Kyancutta and Kimba, it will provide important regional economic development through such activities as the tourism industry. That is why within the park we have set aside two tourism zones—150 hectares for one and 50 hectares for another—so that the rural communities can enjoy economic growth from the tourism industry. It was a good opening with about 200 people present. I should compliment the Minister for Police on the help received from the local police officer there who was involved in not only cooking the barbecue but also doing the dishes and taking community policing to the highest degree. It was a really good community event. In both cases I compliment the federal government on providing funds through the NHT program, providing significant funds to the development of the park and the conservation reserve, as well as the Nature Foundation, which

also provided significant funds. I am pleased to advise the House on the update of those parks.

EMPLOYMENT

Mr CONDOUS (Colton): My question is directed to the Minister for Employment and Training. Will the minister advise the House whether there are any indications of continued job growth in South Australia in the next three months?

Mr Foley: Tell us about membership growth in your sub-branch.

The SPEAKER: Order! The Minister for Employment and Training.

The Hon. M.K. BRINDAL (Minister for Employment and Training): With the Morgan and Banks job survey index released last week, there was clear indication that South Australian employers are planning to hire extra staff between now and February 2001. The Morgan and Banks survey is a bigger statistical survey of our businesses than even the ABS conducts—1 000 businesses across the range in South Australia—so it is a very good statistical survey. Some 37.9 per cent of all South Australian employers surveyed said that they intended to increase permanent, not temporary, staff in the next quarter, that is, November 2000 to January 2001. Only seven per cent of those surveyed talked about downsizing. This is a positive result and a record high in this state.

It is no wonder that members opposite are not particularly interested in this. They never are when it is good news for South Australia. I was looking at the honourable member opposite who was busy chatting.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: Instead of reading about that, I suggest that the honourable member should write a little essay on what reward the member for Price got for his loyalty—

The SPEAKER: Order!

The Hon. M.K. BRINDAL: —and what recompense he got for his integrity—

The SPEAKER: Order! I ask the minister to return to the substance of the question.

The Hon. M.K. BRINDAL: Certainly, sir. There will also be extra employment opportunities in accounting and finance, senior management personnel, marketing and—wait for it, member for Spence—manufacturing.

Do you, sir, remember all the manufacturing jobs that used to exist in this state prior to Labor's coming to office. Do you remember, sir, the Kelvinator factory which you would see on the way to your own electorate? Or do you remember Lightburns on the edge of your electorate? They were all manufacturing plants employing hundreds of South Australians, all of whom were frittered away under Labor's decadent rule.

They are now returning because this Premier has got out and got to work and created the conditions with this ministry that are encouraging manufacturing back to this state. Labor, including the current Leader of the Opposition, who is missing again, bleated that manufacturing was over in this state and that we could never reattract them.

Well, manufacturing is coming back. Not only did we see that demonstrated last week in the press but also we saw it in the Morgan and Banks job survey. That is one thing that we have not accomplished: we have not accomplished the job losses that we saw under Labor. Under a decade of Labor we saw a downhill trend in employment.

That has reversed and we now have British Aerospace announcing a \$20 million investment in this state, creating a further 300 jobs—

Ms Key: Sixty have been lost, too.

The Hon. M.K. BRINDAL: Is that not typical of this opposition? We create hundreds of jobs across the sector, and the inane comment opposite is 'But there are going to be 60 lost.' We are refitting this economy for a modern future. We are retraining our work force for a long-term future in which they can have secure employment. You mucked it up. You betrayed the trust of the people of this state. And what are we doing? We are getting on with the job.

The jobs survey is here for everyone to see. It is purely statistical, so I seek leave to have it inserted in *Hansard*.

The SPEAKER: Is it a graph?

Members interjecting:

The Hon. M.K. BRINDAL: What do you think a graph is if it is not a statistical graph?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order, the member for Hart!

Members interjecting:

The SPEAKER: Order! I warn the member for Hart for the second time. Is the document before the minister statistical and can it be incorporated in *Hansard* in its present form?

The Hon. M.K. BRINDAL: I believe it can, but if it cannot I will have it presented in a way that it can.

Members interjecting:

The SPEAKER: Order! The chair will decide. Is leave granted?

Leave granted.

The Hon. M.K. BRINDAL: The point is that this government is getting on with the job. This government has a record which stands it in stark contrast to the abysmal performance of the Labor government. All that members opposite can do is carp, whinge and criticise. They have yet to produce one sensible policy. We have waited an entire year and we have as yet got nothing. I suspect we will wait another year and we will still have nothing. In the meantime, we will have South Australia on the tracks. We will have a Darwin-Alice Springs railway. We will have all the things that the Premier not only promised but also has delivered.

Mr LEWIS: I rise on a point of order, Mr Speaker. I did not hear the question which you asked the minister and to which he answered yes. I would like to know what that question was.

The SPEAKER: I think the member is referring to my question of the minister when I asked him whether the table was statistical and whether it could be incorporated in *Hansard*. The minister replied that it was and it could. I asked whether leave was granted and leave was granted.

ARMITAGE, Hon. M.H., SHAREHOLDING

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Minister for Information Economy. Given the Premier's statement that the government's prudential management group checks a number of matters—including personal conflicts of interest—before matters go before cabinet, what details of shareholdings and share trades was the minister required to provide to the probity group before cabinet authorised the minister to sign the \$18 million mobile telephone contract with Optus and call tenders for the \$100 million-plus communications contract?

The Hon. M.H. ARMITAGE (Minister for Information Economy): This is nothing more nor less than a cracked record. I have responded to this question, I think on half a dozen occasions before, and I shall continue to respond as I have. The question is: were cabinet guidelines followed? The answer yesterday, the day before that and today is: yes.

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Premier. Given the Premier's refusal to either stand aside the Minister for Information Economy or insist that he and his family sell their shares in Optus and Telstra, what guarantees can the Premier give to all companies bidding for the government's \$100 million-plus communications contract that they will not be disadvantaged by the minister's conflict of interest or that the minister will not gain information that could give him an advantage in his personal share trading?

The Hon. J.W. OLSEN (Premier): I indicated to the House last week that the process by which contracts are committed by government is a collective decision of the ministry. When there is a major project of government it is not like some other governments where a minister signs it off. In this particular circumstance to which the honourable member refers, as it was on that occasion, the matter goes to the cabinet and the cabinet makes the decision.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: I have also indicated that in cabinet a prudential process is followed. In relation to that we received advice some years ago. That has been implemented and due process is followed on these occasions.

In addition, I point out to the House that not only is there a register of interest that is applied to parliament which is updated each August, but there is also a register that is kept by the Chief Executive of the Department of Premier and Cabinet, and the Chief Executive will draw to my attention, I am sure, any occasion when there is a potential conflict of interest.

STONE INDUSTRY

Mr WILLIAMS (MacKillop): Can the Minister for Minerals and Energy inform the House of the government's recent commitment to the stone industry in South Australia and the flow-on benefits for regional communities and all South Australians?

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the member for MacKillop for his question. I am aware that the member for MacKillop has a very strong interest in this area, particularly by virtue of the fact that there is a granite quarry in his electorate. The member for MacKillop joins many other members in this chamber who also have a very strong interest in the mining of dimension stone in South Australia, particularly granite and marble. The member for Flinders regularly champions the interests of the industry as, indeed, does the member for Stuart, who has a strong interest. The government whip also is a very strong supporter of the industry in his electorate as, indeed, are many other members of this place, including the Hon. Julian Stefani, in another place, who has been a regular champion of this industry.

I am pleased to advise the House that the government has committed to the dimension stone industry \$250 000 over the next two years to encourage the growth of the industry in this state, particularly in regional South Australia. As members,

certainly on this side of the House, are aware, dimension stone is used in many applications in Australia, particularly streetscape paving tiles, interior bench tops, retaining walls, landscaping and building blocks. We only need to see the work in King William Street with the laying of new stone pavers, and in Leigh Street in Adelaide, to see its benefits. If only members of the Labor Party had taken such interest in dimension stone when Rundle Mall was paved and had they championed the recommendations of the then Department of Mines and Energy that granite be used for Rundle Mall, we may not have seen regular repaving of Rundle Mall in brick pavers and instead may have seen a more resilient stone such as that which has been used in Pitt Street in Sydney, where South Australian granite has been used, and those pavers do not have to be pulled up and continually replaced.

South Australia is leading the nation in dimension stone production, particularly with marble and granite. However, despite the fact that we are leading the nation, regrettably at this time that leading role is but a dent in the international market, for Australian stone is just .2 of 1 per cent of the international market, at a time when in 10 years the international market has increased its stone production and consumption by 10 per cent. So there is an enormous opportunity in the international sphere for South Australian stone and we are determined that our industry is going to take advantage of those opportunities.

In fact, the increase worldwide has been such that the traditional markets of Italy and Spain, which to date have provided much of the world's stone, simply will not be able to keep up with the demand. Therefore, by allocating \$250 000 to the development of the industry, we believe that we now have set in place the foundation for opportunities. That money has been allocated as follows: \$150 000 over the next two years—\$90 000 in this financial year and \$60 000 in the next financial year for the establishment and administration of a Stone Industry Association, including the employment of an executive officer, to give the industry a voice to enable it to group the industry together to collectively take advantage of opportunities within and outside of Australia; and \$50 000 has been allocated for a program to help identify other sources of South Australian stone. As the member for Flinders knows, there are some great opportunities in her electorate and, indeed, in the electorates of the members for MacKillop, Goyder and also Schubert. A further \$50 000 has been allocated for regional industry training and employment programs, and I thank the responsible minister for the assistance of his department in ensuring that those moneys have been made available.

In addition, we are assisting with the establishment of a comprehensive database of stone resources, which will be routinely updated through new geological mapping. We are also establishing a library of dimension stone samples. That is important to architects, building designers and interior designers, so that the industry can examine stones that we have available in South Australia and can be pointed towards the companies that produce those stones for work in new buildings.

I am looking forward to seeing new opportunities in South Australia, particularly with the expansion of the Convention Centre, and the establishment of the new International Airport, with companies taking advantage of the stone that is created in South Australia to use in those iconic developments. Of import to the member for Flinders, the government has undertaken to complete the Eyre Peninsula stone industry development plan, and that work is presently in progress.

We have a number of companies producing a variety of dimension stone in South Australia and we believe that the funds that we put forward, together with a strategic plan that has been developed with the industry, will ensure that well into the future South Australia has a prosperous and growing dimension stone industry.

LAND AGENTS

The Hon. I.F. EVANS (Minister for Environment and Heritage): I table a ministerial statement made by the Minister for Consumer Affairs in another place.

HANSARD INSERTIONS

Mr LEWIS: Mr Speaker, I rise on a point of order, which is in two parts. In the first instance, unless I am mistaken, standing orders do not permit members or ministers to incorporate graphs in *Hansard*. More particularly, unless that has been changed, then what the Minister for Employment and Training has sought to incorporate in *Hansard*, to the best of my knowledge, is a cheese squared line best fit graph of trends in employment from November 1995 to 1999 and not a statistical table. I ask you to rule on the admissibility of that information.

The SPEAKER: Order! The chair has no doubt that the Leader of Hansard would refer any material to me that is inappropriate for insertion in *Hansard*, and I will make a decision on it.

GRIEVANCE DEBATE

Mr HILL (Kaurana): Today I refer to the government's policy in relation to radioactive waste storage. Today in this House the opposition has revealed a smoking gun. Despite the Premier's claims that his government was opposed to a medium level nuclear waste dump being set up in South Australia and despite the Premier claiming in November last year that he had not been consulted on the issue and then saying he had received a single letter from the Prime Minister, the facts tell a different story.

Thirteen pieces of correspondence between the Premier's own department and the federal government dated between 6 January 1998 and 26 October 1999 reveal that the Olsen government cooperated fully with the federal plans to collocate a medium level nuclear waste dump in this state. In February 1998, the federal government announced that the low level dump would be at a site in the central north region of South Australia. On more than 20 occasions this correspondence refers to the collocation of a medium level waste dump alongside a low level dump.

Some of these references were included in responses to two draft discussion papers in June 1998, where the Premier's officers simply said that the state government would prefer it if the commonwealth owned the land upon which a medium level dump would be sited. Those responses were part of the consultation process. Not once in all this correspondence is there a single line stating that the South Australian government is opposed to a long lived medium level nuclear waste dump in this state. For two years the state and federal governments were consulting one another about what would happen in this state, yet on the 13 or so occasions the

correspondence was sent through not once did the state government say that it was opposed to long lived medium level waste being stored in this state.

The Olsen government's collaboration with the federal government at that crucial time when all the work on these plans was being done has meant that this state is the prime candidate for a medium level dump for nuclear waste that will remain toxic for 250 000 years. The Premier cannot say that this was just meaningless correspondence between public servants. The authors of this correspondence included directors in the Premier's own department. Is he saying two senior directors in his department were operating directly against government policy for two years?

On 26 October 1999, one of his directors received a detailed 12 page draft design for the low level repository that included a specific reference to the possible collocation of a medium level nuclear waste facility. It notes that such a collocation would provide cost and efficiency benefits. One month later the Premier came into this House to say that he was opposed to a medium level dump and that the commonwealth had not consulted him. In April 1998, the correspondence reveals that the Department of Premier and Cabinet was the lead agency on this issue. How did the Premier not know all about this?

On 16 October 1999, the Commonwealth Bureau of Rural Sciences wrote to a director in the Premier's department formally notifying the state government under the Land Acquisitions Act and the Native Title Act of the drilling program for the national waste repository. Under that formal notification it advised the Olsen government again that it would consider collocating a long lived nuclear waste facility alongside the low level radioactive waste dump. It then states:

Most of the sites identified in the central north region of South Australia would be suitable for collocation of an above ground store for long lived intermediate level radioactive waste. The main site requirements for an above ground store are that there is suitable transport infrastructure and that security arrangements can be maintained.

Where was the Premier telling Canberra this state would not take a medium level dump? The answer to that is 'Nowhere'. He did not even write back to the Prime Minister when the Prime Minister told him about it in February 1998.

On 20 March he wrote to Senator Warwick Parer in response to that letter, yet it appears all he did was welcome a consultative committee on the issue. It was only when Labor moved to ban a medium level nuclear waste dump being set up in this state that he sniffed the political wind and performed a backflip of Olympic proportions. It is time for the Premier to come clean. He must admit he actively supported a medium level dump until the end of 1999 and must explain why he told the House and the people of South Australia a very different story. If this state has a long lived nuclear waste dump forced upon it by the commonwealth government, the people of South Australia will know where the blame lies.

Mr SCALZI (Hartley): Today I wish to bring to the attention of the House another success story in my electorate. I would like to commend the Principal of East Marden Primary School, the deputy, Bev Rebbeck, the Chairman of the School Council, Mark Brady, and of course the students and parents of that school for the excellent work they are doing. Last Friday, 3 November, the school was recognised by being chosen to host the literacy and numeracy strategy because of the excellent work that they are doing in that area.

I was at that function last Friday as were representatives from the Education Department. It was launched by Dawn Davis and attended by the School Principals Association, parents and students. It was a function which really showed the excellent standing of that primary school in the area.

I remember quite clearly when I was first elected the Principal invited me to visit the school. I saw the buildings that had been painted, the computer room and the hall where the assemblies are held. It is excellent to see how much can be done to a school, including, as I have indicated, the changes to the physical appearance of the school in the last six years—the buildings that have been painted, the attractive environmental surroundings, the computer room which I have mentioned and the staff rooms. The local community support that has been given to that school—financially, voluntarily and in kind—has helped make this school a very attractive place indeed.

The programs and equipment are of a good standard and I am sure they will serve the community well. The children feel proud to be at the school, and that can be clearly seen. I especially commend the Principal for the way in which the school is emphasising public speaking by using students as MCs at school assemblies. Last Friday it was excellent to see Lisa Belperio and Kelly Penn welcome the parents, the visitors, the principals from other schools, and so on, and conduct the assembly. The school has been recognised, as I have said, by being asked to host that curriculum strategy.

The school has also one of the highest standards of literacy for a school of its kind and I commend it. I must acknowledge the work that the school does in the SHIP program. As I said, its basic skills test results are of a high standard. We often talk about state schools and dwindling school numbers, but this is a success story. In 1996 the school had 249 students enrolled; in October 2000 it had 303 students; and the projected enrolment for 2001 is 327. Some of these students have come from private schools, so in this case parents are also voting with their feet and illustrating that the school is providing an excellent public education.

I know how much this school is appreciated by Mr Clarrie Pollard, President of the Payneham branch of the RSL, for what the school does on Anzac Day and Remembrance Day. I have been to the ceremonies, and last year I mentioned the way in which the schools in my area have respected these important days in our calendar. I must commend the principal, Maggie Kay, and her deputy, staff, students, parents and the community for the success story of East Marden Primary School. As does the minister, I look forward to visiting the school with him and seeing the great work that is being done there.

Time expired.

Mrs GERAGHTY (Torrens): A week or so ago we all read in the *Advertiser* the tragic tale of the lady who died because she had not received the health care that she needed at one of our public hospitals, and no doubt if she had received good care she would be with us today. While we certainly welcome the Minister for Human Services' news that more beds will be available in our public hospitals, unless the staffing levels are increased to an appropriate standard, this will create more problems for patients.

The father of one of my constituents died due to the lack of proper care in a public hospital. This was an 86 year old but otherwise healthy man. He required surgery for a fractured neck of femur, and all went well until he developed bed sores and then a staphylococcus infection. From then on,

his life became a misery until he died. The simple facts are that there were not enough staff to care for this man, and he developed bed sores the like of which I have never seen before—and I have nursed patients with bed sores. There was one sore on his back which was the size of a man's fist and which went to the bone. Many excuses were given by the hospital why the sores developed, why there were delays in the treatment and why he was left to lie in his own urine and faeces, which no doubt contributed to the pressure sores and the subsequent infection that most definitely contributed to his death.

The Coroner's report has stated on the death certificate that death was caused by left ventricular failure and septicaemia from sacral and heel pressure sores following operation for fractured neck of femur. Clearly, the staphylococcus infection found in this poor man's bed sores was a direct contributory factor to his death. If he had not developed the bed sores, he would most likely not have died.

The hospital notes clearly indicate that a doctor initially requested plastic surgery reviews for debridement of the bed sores on 31 July, but no surgical treatment of this type was provided for some 14 days. The reason given in writing by the hospital was:

As the plastics clinic was very short staffed, the plastic surgery clinical nurse consultant attended the ward on 1 August 2000 and discussed your father's pain management with him.

There was an 86 year old man in pain, distressed and disoriented, and they attempted to discuss their management plan with him. That is absolutely ridiculous. They spoke to him, but they did not attend to his bed sores for some two weeks, and that is the issue. Immediate and urgent action was required, but they did not have the staff. The family has stated:

The lack of adequate levels of nursing staff was a major issue. On many occasions when visiting there was only one staff member available.

This is unacceptable. The staffing levels should have been increased immediately so that patients such as Tom were provided with appropriate care to avoid the very complications that took his life. Finally, in desperation, three days after debridement of the bed sores but some 14 days after the initial request for treatment, their father was taken from the hospital and placed in a nursing home so that he could be better cared for. However, sadly, it was all too late. On his admittance to the nursing home it was quickly recognised that the only care that could be provided for this man was of the palliative type, and the horrendous and graphic photographs that I have seen of his condition confirm that. The reality was that all hope of recovery for Tom was gone. This was clearly evident to the nursing home staff but, it appears, not to the hospital management, who said they would have been happy to continue to care for him.

This family feels that they have been cheated of time with their father. If he had been given proper care he would quite likely be alive today. This is a sad and disgraceful event and, unless the staffing levels in our public hospitals are increased to a proper standard, there will be many more such deaths. I am surprised that the Coroner did not institute an investigation into this sorry saga, but there can be no question that the Minister for Human Services must do so without delay in order to ensure that we do not see any more of these disgraceful and very sad events.

Mr MEIER (Goyder): I want to pick up on a point or two that the Premier raised during question time today when he

referred to an article in the *Sunday Age* of 5 November under the subheading of 'Job lot' which read as follows:

Premier Brackwards' employment policies start to pay off for local furniture removalists: everyone's relocating to South Australia.

I thought that was quite an interesting little caption in the *Sunday Age*, referring to Premier Bracks as 'Premier Brackwards'. I guess it is a sign of the times. The Labor government has not been in power very long in Victoria, and already we are starting to see a downturn in the economy there, and people are starting to come to South Australia. They were crook and upset last week when Email announced that it would relocate its key business here to South Australia. That was a very positive move, which highlighted to the rest of Australia that South Australia certainly has sought to overcome so many of the economic problems that were put onto us by the previous Labor governments.

Last week we also saw the \$20 million expansion by British Aerospace (BAE) here into South Australia. Both those announcements brought with them many hundreds of jobs, and the spin-off effects could result in many thousands of jobs throughout South Australia. It is wonderful news, and it has taken a long time to get to that situation.

One could ask why companies are relocating to South Australia. There are many reasons, but one of the most obvious is the cost that WorkCover imposes on any company. Liberal members recall that when we inherited government we had a \$300 million unfunded liability, and now that is zero. In fact, this year we have cut WorkCover premiums by 7.5 per cent, and next year we will do the same. So, that will be a 15 per cent cut in WorkCover premiums, which is significant to any employer. How does that compare to Victoria? This year its WorkCover premiums are going up 15 per cent, the exact reverse of South Australia. Why? The answer is very simple: Labor has come back into power, and it wants to see that the rights of and opportunities for employees are increased so that if an injury happens, be it at work, on the weekend or at any time, the employer pays. Of course, that costs money.

We can also compare that to New South Wales. New South Wales now has a huge \$2 billion unfunded WorkCover liability. South Australia therefore continues to go from strength to strength. Additionally, here in South Australia it costs 20 per cent less to build an office block than it does in the eastern states. No wonder companies are thinking that it will be much cheaper to locate in South Australia. Likewise, the turnover rate of staff is much less in South Australia. In fact, recent figures indicated that the average turnover figure in South Australia is about 6 to 8 per cent per annum, which can be compared to Sydney, which has an annual turnover rate of 24 to 30 per cent. Therefore, companies are saying, 'We don't want to have to keep retraining staff. We want to

maintain a stable staff.' South Australia leads the way in that area, as well. So it is all good news.

The recent leasing of our electricity assets will mean more good news. When we went through the General Motors Holden's plant at Elizabeth probably 18 months ago, one of their big concerns was the cost of electricity in South Australia. They said, 'The one thing that makes us question being in South Australia compared to Victoria is the cost of electricity.' Thankfully, that will change. With the leasing of the electricity assets and with much greater competition now in the market, within the next few years we will see significant competition in electricity pricing. Whilst legislation prohibits that occurring immediately, by 2003 we will see development in that area and, therefore, more companies will take advantage of South Australia.

Ms WHITE (Taylor): Today I draw members' attention to yet another broken promise of this state Liberal government—a promise that was made only 4½ months ago with great accolade by the education minister when he grabbed headlines promising the parents of public school students that there would not be GST on any element of their school fees. No GST was to be applied to public school fees. It has now been revealed that that promise has been broken. Last week, schools were issued with an information pack entitled '2001 school charges'. That reveals that, despite the unequivocal guarantees of the minister, the promise has been broken. The information pack clearly states that all parents or care givers, plus adult students, must be issued with a tax invoice for their school fees—a tax invoice that has a component of GST payable on their public school fees.

A headline in the *Advertiser* of 21 June 2000 read, 'School fees exempt: government's guarantee to parents for next year'. In that article, the minister said:

Parents can be assured that, in the materials and services fee they pay, there will be no element in the fee which will attract the GST in 2001.

That is a promise that has been broken. In fact, the information pack that was distributed to schools includes a sample tax invoice which shows that the school fee, which until today has been presented to parents as a single school fee, will now be presented as a compulsory materials and services charge, a voluntary contribution and a GST on voluntary contribution, and it shows amounts attributable to those for a typical school. The tax invoice is there, in black and white. The information pack also includes a list of items that are GST free, and those items for which schools will now have to charge GST. With your leave, Sir, I seek permission to have that table inserted into *Hansard*.

The SPEAKER: Does the honourable member give an assurance that the table is statistical?

Ms WHITE: Yes.
Leave granted.

What are examples of GST-free and taxable materials?

Materials supplied by the provider of an education course that are necessarily consumed or transformed in relation to the education course are GST-free. All other supplies are taxable.

The following table details some typical education related supplies provided by schools and classifies them in terms of GST-free and taxable. This list is not exhaustive but gives a guide as to the type of items in each category.

	GST-Free	Taxable
Adhesive tape	✓	
Backpack		✓
Batteries	✓	
Calculator		✓

Chemicals	✓	
Coloured pencils	✓	
Correction fluid	✓	
Correction tape	✓	
Crayons	✓	
Diary/Planner	✓	
Disk—blank		✓
Disk box/wallet		✓
Document wallets		✓
Erasers	✓	
Exercise books	✓	
Geoliner/Protractor/Compass		✓
Glue sticks	✓	
Hi-lite pens	✓	
Ingredients for Home Economics	✓	
Lined/Graph pads	✓	
Magazine		✓
Manila folders/Ring folders		✓
Markers	✓	
Paints	✓	
Pencil sharpeners		✓
Pencils	✓	
Pens	✓	
Photocopied course materials	✓	
Reader covers		✓
Ruler		✓
SACE revision guides	✓	
Scissors		✓
Sheet protectors		✓
Sketch pads	✓	
Stapler		✓
Taped course material	✓	
Unexposed film	✓	
Wood for Technology Studies	✓	

Ms WHITE: Let me just remind members of what the minister had to say in his press conference on the day of education estimates last year, 20 June, when the Leader of the Opposition and I raised these questions about the GST. The unequivocal guarantees were given by the minister. In his press conference, he had this to say:

Journo: So Mike Rann is basically barking up the wrong tree completely?

Minister Buckby: Yes, absolutely. I can categorically say that we are looking in 2001 that a fee will be there for parents that won't attract a GST—any part of it.

Further on, the press release continues:

Journo: Minister, it's a bit confusing. You're saying that you're frustrated. . . you don't. . . you've had no clarification yet you're predicting that it won't be GSTable—the school fees—have you got something that you know that you're not telling us?

Minister Buckby: No, not at all. We're still waiting for a final clarification from the tax office regarding the fee. We've cleared up a lot of items. We're waiting for the final clarification. . . our aim that the fee won't have any component of the GST in it next year.

Journo: It's your aim or it's your belief?

Minister Buckby: Well it's. . . I'm categorically saying it won't have any part of GST. . . any area that is. . . that attracts the GST in 2001, so that parents can be assured that the materials and services fee that they pay, that there is no element in that fee that will attract GST.

Further, the conference continues:

Journo: So just clearing up, the document or the fee that you'll be invoiced that parents get now that says 'school fees'—that won't be dressed up in another way next year in some form that will attract a GST and you're shifting the services and materials under another name?

Minister Buckby: No, no, that won't happen.

Well, it has happened. It is there in black and white, and the Olsen government must apologise to all those thousands of parents of public school students who were promised only a few months ago that they would not have to pay the GST on school fees but who now have to find the money for that extra education cost for something that was supposed to be GST free.

Time expired.

Mr LEWIS (Hammond): I want to draw attention today to a school which does not have many students from my electorate but which is neighbouring my electorate: the Mannum High School. I draw attention to the discrimination against that school by the Education Department and possibly the minister over the allocation of \$1 million for the environment recently made available. The Mannum High School has an excellent record of partnership with the local community.

It also has an excellent record of concern for the local environment in which they live, whether that is the natural ecosystems or in the built environment which needs sensible attention and demonstration of good civic manners in the way in which the school itself and the students going to the school conduct themselves. This partnership between the school and community goes back well before Partnerships 21 was ever conceived.

It is pointed out to me in a letter I received from the school council that its Australian Studies course has the River Murray and South Australian water problems as its focus. They were involved in conservation partnerships in the community in the Lenger Conservation Park, and you can see that and their concern from the main road entering Mannum in the Landcare project. From my certain knowledge, the enterprise education involvement at that school is absolutely as high as you could expect it to be, where students have established ASC registered companies in conjunction with the local community members as shareholders. The products that they have put together from the ventures that they have engaged in range from undergarments, wooden furniture, kitchen storage aids and the restoration of old cars, bikes and building projects; it is full of recycling and commonsense.

The students have shown considerable initiative and great pride in the quality of their achievements. They are the smallest school in the world to have ever built a solar car and to focus on this kind of environmental issue. It is a pity that, after having entered that car last year in the Darwin to Adelaide solar car race and done all these things I have referred to, they were simply cut out of participating in the \$1 million that was made available for environmental programs by virtue of the fact that they had not registered as a P21 school. It was pointed out retrospectively in the DEET journal that this funding was to pioneer projects which saved water and energy, and that Partnerships 21 schools—this is the bit about it that rankles with Mannum—were chosen because they had already demonstrated a spirit of enterprise and strong partnership with their local community.

The evidence that I have provided to the House this afternoon clearly illustrates that the Mannum High School had done that on all fronts and done it not just for the sake of having done it, but done it with a purpose and with great consequences and benefits for the students who have attended that school over a number of years, and done it with excellence to such an extent that they ought not to have been excluded from participating in that \$1 million that was made available for those environmental studies.

It also needs to be mentioned in this context that 10 per cent of the students are on special education (that is, on the NCP), and 50 per cent on School Card. The district has the highest youth unemployment for any district in South Australia, according to the Australian Bureau of Statistics, and I think it is unfortunate that the school was cut out of that program. I told representatives of the school that I support the Partnerships 21 program and that I, nonetheless, regret the fact that they were discriminated against in this way. It sent a very sour note and a sick message to those students, and they will take a lot of convincing that government is there for the enhancement of society and the benefit of people and the encouragement of individual excellence, all things which I think government, in general, and education, in particular, ought to foster. So, I say on their behalf: how dare the department.

SECRETS CAMPAIGN

The Hon. J. HALL (Minister for Tourism): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J. HALL: Food and wine and good living are just some of the typically South Australian features that this government is continuing to develop and promote in our state. These themes are precisely the focus of a new *Secrets* book which was launched last night. The white book, entitled *The Good Life*, has a serious focus on food, wine and dining, arts and culture, history and heritage and the spectacle of our festivals and special events. The book features stories ranging from where to get a superb breakfast in Adelaide to a tour of our museums and galleries and an overview of our spectacular events such as the Jacob's Creek Tour Down Under, Le Mans Series Race of 1 000 Years and the Clipsal 500.

This new phase of the *Secrets* campaign will build on the current success of *Secrets* and will run in conjunction with the national See Australia campaign, a \$16 million three year joint initiative of the federal and state governments and the private sector, which also was launched yesterday. Using Ernie Dingo as the face of Australia, the campaign urges more Australians to take an Australian holiday. Incredibly, 40 per cent of working Australians did not take a break in 1999. The South Australian Tourism Commission is certainly intending to capitalise on this national push. Wherever possible, *Secrets* advertisements will run alongside Ernie, with his message of 'Go on, get out there, see Australia.' We will obviously be encouraging people to discover the secrets of South Australia when they see Australia.

So, just how successful have we been since the *Secrets* campaign was first launched in September 1998? Over the last two years, the *Secrets* campaign has concentrated almost exclusively on the interstate market and, in particular, Victoria and New South Wales. However, while it is important that millions of interstate and, indeed, international travellers visit our state every year, many South Australians remain unaware of the secrets within their own back yard.

While the *Secrets* domestic marketing campaign phases 1 and 2 have focused on interstate marketing, the 2000-01 campaign will also include a significant South Australian component. While travel by South Australians within their own state, including day trips, is a billion dollar a year industry, we still spend \$870 million travelling interstate. So, we aim to entice a sizeable percentage of that market to travel within South Australia to discover the secrets of our own state first. This campaign will include television on all commercial stations and those in regional South Australia plus press, 12 super site billboards located around the metropolitan area and 60 taxi backs.

An update of the latest overall figures shows that, in the 12 months to March 2000, South Australia attracted 1.9 million interstate visitors, who spent nearly 10 million visitor nights here. This represents an impressive 11 per cent increase in visitor numbers over the previous year, compared to a rise of only 4 per cent nationally, and an increase in visitor nights of 14 per cent, much higher than the average national growth of 1 per cent.

As a campaign, *Secrets* has attracted a spectacular amount of attention, recently winning the tourism and leisure category at the Australian Marketing Institute's national awards—indeed, a most impressive achievement. With success like this, the *Secrets* campaign has most effectively raised the awareness of South Australia as a holiday destina-

tion and, clearly, the visitors have come. Since the beginning in 1998, *Secrets* has been responsible for attracting more than 50 000 additional visitors to our state from Victoria and New South Wales, generating an estimated economic benefit of some \$35 million.

One of the key aspects about this latest phase of the national *Secrets* campaign is that it will capitalise on the national See Australia campaign, and that *Secrets* will, for the first time ever, expand into south-east Queensland, including Brisbane and Toowoomba, the Gold Coast and the Sunshine Coast. The timing for this push into Queensland is, of course, perfect, with the direct mail campaign coinciding with ticket sales for the recently announced twice daily flights by Virgin Blue from Brisbane to Adelaide. Finally, with this phase, *Secrets* will also extend into our own back yard, encouraging South Australians to take a holiday at home.

The white *Secrets* book will be delivered to more than 530 000 households in Melbourne and western Victoria, Sydney and Brisbane, and an additional 70 000 books will be available for people who do not receive one in their mail box but want one. The new *Good Life Secrets* book will again be complemented by cinema, magazine and press advertising in our key interstate markets.

It is quite clear that our *Secrets* campaign is, indeed, delivering great results by promoting our state as a quality tourism destination and growing our state's reputation as a popular holiday destination. The campaign is working, the state's tourism industry is buoyant, and together we are creating many thousands of jobs for South Australians.

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

In committee.

(Continued from 5 October. Page 42.)

Clause 2 passed.

Clause 3.

Mr CONLON: I would like to preface my comments with a few short remarks, given that this bill is back before the House after a very considerable delay and given the other not insignificant matter that the opposition member responsible for the carriage of the legislation has changed: it is now me instead of the deputy leader. I want to make some brief comments about the bill and some recent developments about which, of course, I will be asking the minister. If members bear with me on this clause, we may be able to save the committee from hearing from me on a regular basis in making preparatory remarks.

As an overall approach—and I will ask a number of questions about this—the government's attitude to the state's assets and asset sales has been disturbing throughout its term of office. It was once said of the great Caesar Augustus that he found Rome stone and left it marble. This government found South Australia marble, promptly sold all that it could of it and have left us with nothing but a soccer stadium. Its attitude to government assets has been akin to those of the Visigoths and vandals on their visits to Rome. They have preferred to tear down and profit rather than to preserve and grow. I know that it would disturb the minister to be compared to a Visigoth or vandal because he certainly sees himself in a much different sphere of life, more akin to the landed gentry.

The Hon. M.H. Armitage: I wish.

Mr CONLON: That certainly has been the approach of this Government. Dealing with the minister's share portfolios earlier in the day, I am surprised that he simply has not added the Ports Corporation to his own private domain. He appears to have the wherewithal to achieve such a thing.

The opposition has a number of concerns in regard to the bill which I and my colleagues will explore at the appropriate time. In particular, we have had concerns about the extraordinary number of side deals and changes of plans that have been going on in order to achieve the passage of the bill from the government's perspective. In particular, we have seen the government apparently try to appease the bulk grain handling industry, and I assume some of its own members who have a keen interest in that area. It first got AusBulk Handling on board with the promise to build a great big grain terminal and got it off side by telling it that it would have to share it with someone else. It did that despite there having been a significant inquiry into grain handling needs. I will not go over our attitude to that, as it was well set out in the second reading speech of the Deputy Leader of the Opposition.

We have seen a significant inquiry which made very clear that the most efficient method of providing facilities for deep ship grain handling would have been a further dredging of the Port River. That appeared at one point to be the position of the government, but we found in a strenuous effort to cobble together some arrangements to suit the vested interests that instead there would be a deep water port on the peninsula side of the Port River, for those who know it. I should have thought that this development would cause very serious concern to the residents of the Le Fevre Peninsula, and I am sure the member for Hart will say something about that at some stage.

I have concerns that the government's plans in this regard seem to have been made on the run with no costing of what seems to be an extremely significant infrastructure venture and which involves building not only a deep water port but also making massive changes to road and rail transport infrastructure on the Peninsula, and such changes may be very disruptive. I look forward to asking the minister how much that will cost and how much it will discount the sales price.

Having made those few short comments in preparation, and given that I suggested to the minister that I would exercise what cooperation and tolerance exists in my body (and I warn that it is not a great deal), I will ask a question. I am sure that comes as a great relief to the minister. In the interpretation clause we have a definition of 'maritime asset', paragraph (d) of which provides:

any other asset of the corporation or the crown that is, by direction of the Minister, to be regarded as a maritime asset.

It seems an extraordinarily broad clause and, on the face of it, it would seem to include anything owned by the crown that it deems to be a maritime asset. Could the minister explain, first, just how broad a power that gives the government in determining what is to be a maritime asset and, secondly, whether there is a list of assets of the crown in contemplation to be covered by that clause?

The Hon. M.H. Armitage: I need to clarify what I am sure must be a misconception of the member opposite, who identified that the best option was dredging of the Port River.

Mr Conlon: No, I didn't.

The Hon. M.H. Armitage: I will check the *Hansard*, and if I got it wrong I am quite happy to admit that. However, let me clarify it for the committee. That was the option put

forward originally by the euphemistically termed 'deep sick' committee—the Deep Sea Port Investigation Committee. When the study was conducted into both the environmental and financial nuances of that idea, it was found to be hideously expensive and environmentally disastrous, so it was not an option at the end of the day.

In relation to a maritime asset meaning any other asset of the corporation of the crown that is by the direction of the minister to be regarded as a maritime asset, that was quite clearly designed to allow the identification with flexibility of, for example, land that might be needed for the port facility. It was there in case there was any misunderstanding as to what may or may not be a maritime asset. It was also there to give certainty at the end of the day to the potential purchaser. I move:

Page 5 after line 9—Insert:
'quarter' means a period of 3 months beginning on 1 January, 1 April, 1 July, or 1 October in any year;

Ms HURLEY: On a point of order, sir, given that several members of this committee have expressed a financial interest during the second reading debate on this bill, would you rule on whether those members should be allowed to vote on this bill? I believe standing order 170 provides:

No member to vote if personally interested.

A member may not vote in any division on a question in which the member has a direct pecuniary interest, and the vote of the member who has such an interest is disallowed.

At various stages the members for Stuart, Schubert and MacKillop have indicated that they have a financial interest in this bill.

The ACTING CHAIRMAN (Mr Hamilton-Smith): I am not sure that it is my place to rule on this. The deputy leader is referring to standing order 170, which specifically rules in regard to whether a member can vote and not whether a member can participate in a debate.

Mr Lewis interjecting:

The ACTING CHAIRMAN: The member for Hammond will take his seat please while I am dealing with this. I do not see that it is my place to make a ruling on this matter, since standing order 170 really does not deal with whether a member can participate in a debate. I am not quite sure what the deputy leader is getting at. I cannot really see that there is a need for any ruling.

Ms HURLEY: My understanding was that you were to put an amendment shortly and it was not a matter of whether members could participate in the debate that I was querying but whether members could participate in a vote on any aspect of this bill. Standing order 170 says:

A member may not vote in any division on a question in which the member has a direct pecuniary interest. . .

So it is, if you like, a question whether those members can vote on this amendment.

The ACTING CHAIRMAN: To deal with this issue I might refer to *House of Representatives Practice* and make a few points for the deputy leader to consider, as follows:

Standing order 196 states that a member may not vote in a division on a question in which he or she has a direct pecuniary interest not held in common with the rest of the subjects of the crown. However, the rule does not apply to a question on a matter of public policy. A member's vote can only be challenged by means of substantive motion moved immediately following the completion of a division. If the motion is carried, the vote of the member is disallowed.

Public policy can be defined as government policy, not identifying any particular person individually and immediately. All legislation which comes before the house deals with matters of

public policy and there is no provision in the standing orders for private bills.

There have been a number of challenges in the house on the grounds of pecuniary interest and in each case the motion was negated or ruled out of order. On this matter May states:

No member who has a direct pecuniary interest in a question is allowed to vote upon it: but in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote character. On 17 July 1811 the rule was explained thus by Mr Speaker Abbot: 'This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his majesty's subjects or on a matter of state policy.'

Therefore, it would seem highly unlikely that a member could become subject to disqualification of voting rights in the house because the house is primarily, if not solely, concerned with matters of public or state interest.

While not binding, the quotation that I have given from the *House of Representatives Practice* may assist members. In deciding this issue it is not a matter for the Chairman to determine: it is a matter for the committee.

The Hon. M.H. ARMITAGE: I understand the point the deputy leader is making but I would point out that in the contribution that the member for Elder has already made to the debate he has identified that the government has AusBulk off-side because we did not 'give' the right to run the container terminal to AusBulk.

The ACTING CHAIRMAN: What is the point of order?

The Hon. M.H. ARMITAGE: My point of order is that there is no conflict because the identified interest of the members in SACBH previously, now AusBulk, does not apply by the very admission of the member for Elder that AusBulk has no direct financial interest in the outcome of this legislation.

Mr CONLON: I rise on the exact point of order that the minister makes. First, while undoubtedly the government has AusBulk offside, I understand that it is still publicly supporting the passage of this legislation. The minister shakes his head. That is certainly not what has been communicated to us.

The second point, and my real point of order, is that you, Mr Acting Chairman, have referred to a House of Representatives practice. I do not believe that that removes from you the obligation of making a ruling. If it is your ruling that we should adopt the House of Representatives practice, then that is a ruling you are going to have to make, but it is not sufficient to leave it in the hands of the chamber. The matter has been raised with you and, if it is your ruling that the appropriate way to deal with it is to adopt the House of Representatives practice, I suggest you would have to rule that way.

The ACTING CHAIRMAN: In response to the member for Elder, in giving the advice that I have given I am not suggesting that the committee need follow it. I am simply reminding members that the House is the master of its own destiny: the House can do whatever it chooses to do. It is not for me, as chairman, to rule on this. The committee may make its own decision, after a vote, should it choose to not allow a member to vote. Clearly, denying a member the right to vote is very serious which, no doubt, the committee will fully consider should that option arise. But it is certainly not for me to make a ruling on this: the committee is the master of its own actions and destiny on this matter.

Mr FOLEY: Can I rise on a further point of order? Sir, with all due respect to your ruling, I challenge it and ask you to consider these facts. The minister has said that AusBulk

is currently offside. Implicit in that is that there is every opportunity to have AusBulk onside, because the nature—

The Hon. M.H. Armitage interjecting:

Mr FOLEY: No, hear me out on this. The nature of the dispute is one that will be resolved between the government and AusBulk by 30 November. It may not be, but it may be. The minister shakes his head, but it may be, so whether AusBulk is onside or offside is irrelevant because they could very much be onside at an appropriate time. However, your ruling, Mr Acting Chairman, is that this legislation is a matter of policy. Your defence is to say that members cannot be ruled out because this is a matter of policy that does not offer any benefit to any other member of the community. Sir, I draw your attention to amendment 3(3) which will be moved a little later by the minister and in which the minister is indicating—

The ACTING CHAIRMAN: Order! The member for Gordon will take his seat; I am hearing the member for Hart. I remind the member for Hart, firstly—

Mr FOLEY: You cannot have a point of order when we are still on a point of order.

Mr McEwen interjecting:

The CHAIRMAN: The member for Gordon will resume his seat. Before asking the member for Hart to continue, I will make two points. First, I have made no ruling but, secondly, I ask you to come to the point. What is your point of order?

Mr FOLEY: The point is that, in this legislation and foreshadowed in an amendment, moneys from the sale of the Ports Corporation can be used to build a new bulk terminal at Outer Harbor or deepen the Port River, which may have a financial benefit to AusBulk. This legislation will result in a potential specific advantage for AusBulk which goes to the pecuniary interests of the member. I say that this is not a matter of general policy but a decision which will have a financial bearing on the share value of AusBulk with the construction of a new bulk terminal that goes to the very principle of pecuniary interests of at least three members.

The ACTING CHAIRMAN: I cannot really see the substance of the member for Hart's point of order, so I will call the minister.

The Hon. M.H. ARMITAGE: My point of order is as follows. I am unclear as to what conflict of interest the opposition is alleging. In identifying earlier that AusBulk is indeed offside with the government, the member for Elder failed to go on and say that the reason for that is that AusBulk has no say over whether or not it will be the grain terminal operator. It can lobby a third party but it has no say over that. That is what AusBulk is cross about. So, factually, there is no linking with AusBulk in the legislation, and that is why AusBulk is angry. We have given the right to choose the grain terminal operator to the collective grain industry, and that is why AusBulk is cross. In identifying that reason, the argument for any conflict of interest is destroyed.

I have asked where the opposition's conflict of interest is; and, further, I would ask the member for Hart—

Members interjecting:

The Hon. M.H. ARMITAGE: I ask the member for Hart to identify specifically where in amendment 3(3) AusBulk is mentioned.

The ACTING CHAIRMAN: Again, minister, I am not clear on your point of order. I think we are straying back into debate. I will ask the member for Gordon if he has a point of order.

Mr McEwen: My point of order, which is no longer relevant, is that these points of order are not points of order: they are a blasted debate.

Members interjecting:

The ACTING CHAIRMAN: Order! I tend to agree with the member for Gordon. I think we are getting back into the substance of the debate. We have an amendment. The question is that the amendment be agreed to.

Mr CONLON: Before we agree to the amendment, given that when the minister moved the amendment he did not give us any explanation, perhaps he could give us an explanation of the purpose of defining 'quarters' in that way. It is probably a good idea, but why has he elected to provide a definition of 'quarter'?

The Hon. M.H. ARMITAGE: In addressing that question I would like to do two things: first, to identify that the member for Elder is, indeed, a lawyer and understands just how much lawyers love this sort of clause. It was felt that, for certainty, it was appropriate to move such an amendment to provide definitive time frames. I have no problem with that. That is why it was done.

Secondly, I unfortunately rebut the allegation of the member for Elder that I might have chosen to buy Ports Corp. Whilst it may have been the most delightful flight of fancy of the member for Elder that I would have the money, even if I had the interest in buying Ports Corp, I do not have that money and I have no intention of being a bidder.

The ACTING CHAIRMAN: The question is that the amendment be agreed to.

Mr LEWIS: I am still not clear on what the minister was waffling about. I do not think it is appropriate for either the minister or the member for Elder, who was questioning the minister, to engage in some personal frivolity for the sake of their own entertainment but rather to try to help the committee understand the reason why the amendment to this clause needs to be made. Why is it necessary to include a definition of the word 'quarter' in clause 3?

Mr Conlon: That is what I asked him.

Mr LEWIS: I want an answer that I can understand, instead of something that is intended to be more entertaining than the reverse call of the Melbourne Cup of 1899.

The Hon. M.H. ARMITAGE: I take no responsibility whatsoever for the amplification. I merely talk at the same level that I have spoken in the House for 10 years. If it is not turned up, I can only apologise. I presume that the member for Hammond is asking about the definition of 'quarter'.

Mr LEWIS: No; why is it important?

The Hon. M.H. ARMITAGE: As I identified previously and I reiterate, it is important because, from a legal perspective, it was thought appropriate to identify the specific starting dates of each quarter; otherwise, for argument sake, a quarter could mean any three months. What we have identified is the specific three months.

Amendment carried.

Mr LEWIS: Will the minister explain the importance of the need for a definition of the memorandum of understanding between the maritime union and the Australian Maritime Officers Union and the rights of employees in the event of their transfer? Why in the context of the legislation is it important to identify that in the definitions? Where does it become relevant?

The Hon. M.H. ARMITAGE: That interpretation was inserted as part of an agreement between the government, the MUA and the AMOU that any agreement that was reached in this matter would be reflected in the legislative process.

Mr Lewis: The what?

The Hon. M.H. ARMITAGE: I can keep going like this and answer every question three times. Whilst this is occurring, could someone look at the amplification? If the member for Hammond is having trouble with it, he will probably have trouble for the rest of tonight, so could someone look at the member for Hammond's microphone, or something or other, because it will be a long night? I am happy to keep answering the questions, but I would rather only answer them once. I identified that, in the agreement between the government, the MUA and the AMOU, any agreement that was reached would be reflected in the legislative process.

Mr FOLEY: In relation to the definition of a state owned company, subclause (a) provides:

a company incorporated under the Corporations Law in which all the issued shares are held by the minister of the Crown or their nominees, nominated by the minister by notice in the *Gazette* as a state owned company. . .

It is a good point. This may not be the appropriate time—and I am happy to come back to it later—but regarding the issue of outstanding liabilities of the Ports Corporation, when it comes time to transfer the entity, there is outstanding litigation between the Crown and Adelaide Brighton Cement, which, I understand, thinks it somewhat improper that a government owned Ports Corporation would dare to charge for the use of its port. Whilst we cannot comment on the specific nature of that act, I would like to know whether that liability will be retained by government and, if so, could the minister outline to the committee the current status of that action?

The Hon. M.H. ARMITAGE: I am not quite sure whether the member's question relates to the fact that the liability is ongoing or whether it will apply to the state owned company.

Mr FOLEY: I was simply using that clause as an example. There is probably a more appropriate clause further into the bill. What will happen to the liability with Adelaide Brighton? I assume that it will be retained by the Crown. I want clarification of that. If that is the case, what is the status of that current action, because, as I understand from what was published in the paper, that is an action involving some figure in the order of \$20 million? It is a substantial issue. It is an issue of national significance and has a fairly significant impact on the state's finances. I would like to know exactly where that action is currently at.

The Hon. M.H. ARMITAGE: The member for Hart is correct: the liability will be ongoing to the Crown and an indemnity will be provided to the new lessee.

Mr FOLEY: Where is that action currently? There was discussion that it would be a matter for conciliation. There may have been some difficulty in finding a conciliator that was acceptable to both sides and there may be some information that the minister may not be able to discuss publicly. However, are we at a stage of resolving that issue, or is it still at an impasse?

The Hon. M.H. ARMITAGE: As it is a legal matter, the whole running of the matter is in the hands of the Attorney-General. My understanding is—and I have always been advised—that Ports Corp had a particularly strong case in this exercise. I also understand that there have been discussions, and the Attorney-General has carriage of it. Obviously, we hope that it will be clarified in the very near future. As I identified, the lessee will be given an indemnity to that end.

Clause as amended passed.

Clause 4.

Ms HURLEY: I refer to subclause (3) and the transfer of title to land. I understand that questions have been raised about the title and the ownership of the assets of some parts of not only Port Adelaide but other ports around the state and that there is not always certainty about who owns what bits of land or what assets. Will the minister give us some assurance that that process is concluded and that the government is sure what it is or is not selling?

The Hon. M.H. ARMITAGE: The whole purpose of all of clause 4 is to ensure that the freehold for the land remains with the state. This clause severs the assets from the land. It allows the land to be leased and the assets to be sold, so that the freehold for the land remains with the state.

Ms HURLEY: That is all very well if we know what land and assets we own to lease out. My question was: has that ownership been properly clarified at this stage or is some of that still to be sorted out?

The Hon. M.H. ARMITAGE: My understanding is that it has been sorted out. The land was vested into Ports Corp at the beginning of this process.

Mr CONLON: I have a number of questions about this clause because it seems quite an unusual one to me. If I understand the operation of the clause (and the Minister can nod if I have got it right and I will move on to another question), if the minister makes an instrument in writing, it will take what may have been a fixture at law and convert it to a chattel, so when you dispose of the real property, the chattel, which would have otherwise been a fixture, remains the property of the Crown. Is that right?

The Hon. M.H. ARMITAGE: As I have indicated, the purpose of the whole clause (and I believe that is the nub of the question) is the severing only of the land from the assets. We will then progress to give a lease onto the land.

Mr CONLON: I have two questions, then. First, the minister may do this by an instrument in writing. I do not know whether it is the intention to do this with every piece of freehold land to be disposed of and that all land is to be disposed of separately from the fixtures on it. If it is not the case and some land will be disposed of entirely with the lease of the land and the fixtures and some will lease the land and retain the fixtures, then do these instruments in writing, which seem to have a lot of power, have any status at law? Are they covered by subordinate legislation; and is there any obligation to present them to the parliament, gazette them or make them publicly known?

The Hon. M.H. ARMITAGE: My advice is that they would have some legal effect given that they are mentioned in the law that hopefully we are about to pass, but I am not sure that I see anything sinister in this—and it may be that the member for Elder is not implying that. My advice is quite specific that it is exactly the same as the ETSA legislation, where there was a lease and sale of property so that the land was different. I will take advice on that.

Mr CONLON: Finally, there is a provision for revoking a determination. I do not mean to be overly difficult or legalistic on this, but where by instrument in writing a fixture on the land—or an asset, as it is called here—is basically separated away from the land and you lease the land, if you revoke that determination, does the asset or fixture revert to its status at common law and become part of the leasehold?

The Hon. M.H. ARMITAGE: My advice is that the revocation spoken about would be invoked only if there had been some error in the original determination, so there would not be an irretrievable situation in separating the land from

the assets, which would then be leased to the new lessee or owner of Ports Corp. It is merely to provide flexibility in case of some error, which obviously we would expect not to occur.

Mr CONLON: As a supplementary question: I take it that you are telling me that a revocation would be made if an error had been made. In such a case, if the leasehold is given, an error is made in the original determination, you revoke it and (I assume) make a subsequent determination, that would mean that you could make a determination after a leasehold has been given which essentially removes that fixture out of the leasehold. Is that then available to you? It would be difficult for a leaseholder to know that you could take some asset out of the leasehold subsequent to the lease being granted.

The Hon. M.H. ARMITAGE: The lease would apply to the land, not the assets.

Mr Conlon interjecting:

The Hon. M.H. ARMITAGE: I am identifying that, if the process had occurred, the land would be leased and the assets would be sold, but the land would still be freeholded to the state. Clearly, in the interests of the state it is a legitimate expectation that, if some error had occurred, the state would want the right to correct that error. We do not anticipate that, but that is the rationale.

Mr Conlon: You said that about ETSA.

The Hon. M.H. ARMITAGE: This has nothing to do with that. This clause would allow rectification if necessary. Clause passed.

Clause 5 passed.

Clause 6.

Mr CONLON: I follow on the point raised earlier by the member for Hart. I understand that the purpose of this clause would be to transfer assets to a company which I assume would then be a vehicle for transferring them to the subsequent purchaser or leaseholder. This process enables liabilities attached to the maritime assets at present to be removed; they would remain with the Crown. Do I understand that correctly? If that is the case, are liabilities presently attached to maritime assets that the minister is contemplating retaining for the Crown when the asset is divested?

The Hon. M.H. ARMITAGE: Clause 6 was inserted only to provide flexibility in the disposal. It is very much the view of the government that the method utilised will be that provided in clause 7. We would be discussing this matter with any potential lessee, but it is not the preferred method. We put it in for flexibility rather than as the preferred method.

Mr CONLON: I would follow up the point I made. The same ability exists in clause 7; it may be the intention of the government to transfer a maritime asset free of any liabilities that may attach to that asset at present in government ownership. I repeat that question: are any existing liabilities attached to maritime assets that the minister or his government intends removing from that asset when it is divested—or are there any that it intends transferring?

The Hon. M.H. ARMITAGE: The answer which I believe will give comfort to the member for Elder is that, in a process such as this, involving transferring, selling or leasing a business, there will be a number of so-called liabilities—accounts which still have yet to be paid, etc.—which may not have fallen due or for which invoices have not been received. They would transfer. No debt or anything like that would be expected to transfer. It is a standard business practice to allow a transition from one owner to another.

Clause passed.

Clause 7.

Ms HURLEY: The government has been pretty much encouraging a consortium of bidders to bid for the Ports Corp asset. I presume that the interests of the consortium will decide between themselves which of the assets and liabilities they will acquire. Does the government have any provision for oversight of this, or is it entirely up to the new owners to divvy up the assets of the Ports Corp between themselves?

The Hon. M.H. ARMITAGE: The government is unable to predict who might be the new lessee or owner. However, if it were to be a consortium, it would be its decision as to how that might occur.

Mr FOLEY: On this point, what is the process? You obviously will be asking for conforming bids from the consortium or purchasers and, from what we understand, some may indeed wish to put forward non-conforming bids. How will you treat non-conforming bids in this process?

The Hon. M.H. ARMITAGE: The government has been definitive all along in identifying that we are intending to sell Ports Corp as a whole. That will be made clear in bidding rules. If people wish to submit non-conforming bids, that is at their behest, but that will be contrary to the suggested position of the government at present. We will make it clear in bidding rules that, if at the end of the process the best value might be from a non-conforming bid, obviously we would have to assess that. However, the bidding rules will be quite clear.

Mr FOLEY: I have had a little experience with bidding, given the ETSA lease process and the debacle that unfolded with that, when the government simply did not get the internal process in particular. The Auditor-General was highly critical, as I think we will find when he brings down his report in a few months, of the internals of assessing the bids. He made the important point to our select committee on a number of occasions that, particularly since the Hughes Aviation landmark case, it is important that governments have proper criteria to assess bids, have a proper process for assessing bids and compare the bids properly. What work has the minister done to consider both the conforming bids and the non-conforming bids? Does the minister have the appropriate processes in place? Has he consulted with the Auditor-General, and is he satisfied with what the minister is putting in place?

The Hon. M.H. ARMITAGE: We have an evaluation plan that has been agreed with the probity auditor. As each bid comes in, there will be a determination as to how to assess that bid against the bidding rules.

Mr FOLEY: The minister said that he has an agreed position with the probity auditor.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: That is irrelevant to my question. To have a probity auditor is obviously and appropriately a decision of government. I am talking about the expectations of the Auditor-General, learning from the debacle of the ETSA lease, where proper evaluation models and a proper process were not put in place to properly assess each bid, as the Acting Chairman would recall. A proper matrix and process system must be put in place. The Auditor-General has vast experience in that, because he has been advising highly paid consultants such as Morgan Stanley, and so on, on this very point. Has the minister consulted with the Auditor-General, and has he signed off on the minister's internal evaluation process?

The Hon. M.H. ARMITAGE: I want to make absolutely clear that the evaluation plan will be agreed with the probity auditor. One of the features we have identified with the

Auditor-General over many of these processes is that, as I understand it, he is of the view that it is not his role to give a forward assessment as to appropriateness or otherwise. He has made it quite clear that, in his view, it is his role to assess what has been done. However, if the member for Hart is asking whether we have attempted to address the issues the Auditor-General has raised, the answer is yes.

Ms HURLEY: In the disposal of the maritime assets, the minister has said that it will be entirely up to the purchasers to divide up the assets whichever way they wish if they are a consortium. If it is divided up in a way that clearly disadvantages a port and indicates that perhaps one of the country ports might be closed down because it goes to one of the consortium members who has no interest or expertise in that kind of port, is there any opportunity for the government to intervene and to seek another consortium partner or, indeed, continue to own the port itself in order that perhaps a small country port might continue in operation?

The Hon. M.H. ARMITAGE: I would like to make a number of points in relation to that question. First, it is not the government's view that anyone would buy an asset with a view to closing it down. The whole purpose of the vertical integration of the transport chain is, indeed, to have more going across the wharves. It would be the government's view that that is likely to occur. There is an identification time of 12 months. If anyone was intending even to close a port, they would need to identify that 12 months ahead so that we could assess that, and in the process of leasing the ports the money that has been gained, etc., might well be applied to that end if a particular port were to be seriously disadvantaged into the future. It is also important to identify that the whole purpose of a sale and particularly of the strategy of deepening Port Adelaide, Wallaroo and Port Giles is to allow bigger vessels to come in so that the exporters are able to get better value for their money. It would not be appropriate for legislation such as this to insist that growers in a particular area would be forced to use a port that was non-economic.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: No, I know you didn't say it. However, the whole purpose of making these ports deeper is to provide access to vessels that will be much more economic. Finally, many years ago ports were dotted all over South Australia, because it was literally one dray's ride away from where, for argument's sake, the grain was grown. Whilst we have no specific indication of anything along these lines, we believe that the opposition is painting an unlikely scenario.

Ms HURLEY: The minister referred to leasing out the land to the consortium. What is the duration of that lease?

The Hon. M.H. ARMITAGE: I do not believe that I referred to the leasing out to a consortium—that would be predicting the possible final holder of the lease. However, if I did, I was wrong. I would always identify that the lease would go to a new lessee. The term period is 99 years.

Mr CONLON: The government recently announced that AusBulk and the backbench had been bought off with a deep water port at Outer Harbor. The figures that have been offered to explain the costs of that commitment to South Australia have been—

Mr Venning interjecting:

Mr CONLON: It is very interesting that the member for Schubert is chipping in. He was not all that keen on this bill a few weeks ago; nor was the member for Stuart, but now they are in here vociferously defending it and supporting it. I wonder why. It could not have been a deep water port, could

it? Of course, I would not accuse the member of improper motives: I would merely accuse him of being a grain grower and a shareholder of AusBulk handling. So, I do not think that you should be saying a lot, Ivan.

What costings has the government done? In particular, will the minister tell us of its commitment to build a deep water port, by how much that will reduce the expected sale price, and how much more government revenue will then be expended on the necessary infrastructure changes on the Le Fevre Peninsula to allow grain to be transported to the new deep water berth?

The Hon. M.H. ARMITAGE: The member for Elder has made some allegations, which I wish to refute. The government, in moving to provide a deep port solution following 20 or 30 years of requests, bought out no-one.

The answer to the specific question is that the suggested quantum of money that would be required to deepen the channel and the turning berth, and to strengthen the actual berth is in the vicinity of \$19 million. However—

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: That is for the deep sea port part—\$19 million. I should add that this is all in a media release of three weeks ago, so I am happy to provide members with a copy of that if they wish.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: I am happy to do that, but I am just saying that it is not new information.

The next question was: by how much would the price be discounted? Before one answers that question, one must look at what is likely to happen when a deep sea port solution is available, particularly at Port Adelaide. The first of those things that is likely to happen is that there will be an increase in cargoes in general that will go across Port Adelaide. Indeed, my understanding, from what I have heard in the peripheral discussions that I have had, is that there may be an opportunity for grain to come from Victoria, thereby doing as the government has done so successfully with BAE, Email, and so on, stealing Victorian product, for which we are all so supportive. There is also the opportunity for wood chips, gypsum and a number of other cargoes, such as cars. So, there will be a great increase in what is exported across the port. That means that any potential bidder for Ports Corp will say that the deepening and the strengthening of the berth and the turning circle, and so on, is \$19 million, but they will have—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: I will come to that, because that is a different matter—a greatly increased volume across the wharf and, accordingly, the assessment is that they will discount that \$19 million considerably. How much that will be we do not know at the moment, but in a competitive process—

Mr Conlon interjecting:

The Hon. M.H. ARMITAGE: Of course, even if we had an estimate we would not identify it, because that would tell every bidder exactly how much to discount that amount by. Whilst it may be of interest to the member for Elder, I am sorry to disappoint him, because I do not want the people of South Australia not to receive the maximum value from this proposition. So, they will discount the price by a certain amount but, whatever it will be, it will be considerably reduced because of the excess volume that a deep sea port will allow to be exported.

The on-land improvements are estimated to be between \$11 million and \$15 million for the provision of appropriate

infrastructure for land, rail, and so on. The difference between the two figures (we would love to be able to provide a better one) does rely, perhaps, on bridges, timings, and so on, and how one is able to structure the outgoings as efficiently as possible.

Mr CONLON: My difficulty is this: as the deputy leader pointed out in an interjection, you were remarkably unenthusiastic about a deep sea port just a short time ago—

Mr Venning: Who is 'you'?

Mr CONLON: You, him. Ivan, if I was talking to you using the plural I would say 'youse', so you would understand me. Your government was remarkably unenthusiastic about a deep water port and suddenly it became keen. It strikes me that this decision was not made so much on the run but while you were sliding on your backside down a hill. Can the minister tell me, in light of this decision to put in a deep sea port, what discussions he has had with the proposed builders of the third river crossing for a rail link on that third river crossing and whether anything has been put in place in relation to that?

The Hon. M.H. ARMITAGE: To identify that the government has not been keen on a deep sea port is incorrect. We have always been keen on providing a deep sea option. What was identified even last time in the House was that a study was being progressed, and the results of that study, as I have previously told the member for Elder, indicated that the option of deepening the inner harbour was hideously expensive and appalling for the environment and was not contemplatable. Accordingly, we looked for other solutions.

In relation to the provider of the third river crossing, that has not occurred as yet, because the—

Mr CONLON: Surely you would have spoken to them—

The Hon. M.H. ARMITAGE: No, because the Minister for Transport, in discussing this matter, has identified some options. But that is exactly why I identified that there is a present rail bridge and, obviously, costings, and so on, will have to be looked at.

Mr CONLON: Sir, the—

The ACTING CHAIRMAN (Mr Hamilton-Smith): Order! The member for Elder has had his three questions.

Mr CONLON: No, the other one was with respect to clause 6: this is clause 7.

The ACTING CHAIRMAN: All right, on this occasion I will give the member the benefit of the doubt. He has one further question.

Mr CONLON: I have always been puzzled by the way in which this bill came on and went off and came on and went off, and how the government was keen on it and then pulled it. Part of the explanation is that, of course, the government had to get the famous two backbenchers on board. I ask the minister in all seriousness (and I ask him to listen carefully to this question): did he, or did anyone in his government of whom he is aware, have discussions with the Hon. Terry Cameron MLC about exchanging his support for this legislation in return for ending the employment of Sean Sullivan at SA Water?

The Hon. M.H. ARMITAGE: I am unaware of any discussions. I certainly did not have them, but I am surprised at the member for Elder because, as has been identified previously in the House, the completely appropriate independent decision of the board of SA Water was taken for one reason and one reason only, namely, that an assessment of Mr Sullivan's contract indicated that this highly paid public servant was not performing appropriately.

Mr HILL: I refer to the environmental impact of any proposed dredging and establishment of a new port facility on the river. I have correspondence from a group based in the Port Adelaide area—the Community Action for Port and Peninsula Incorporated—which wrote to me expressing concerns about the environmental impact. Will the minister say what environmental studies have been undertaken prior to this proposal's being floated? The concerns put by the community action group include stormwater run off, which will increase exponentially in relation to the increased industry, thus further polluting the Port River. It stated that the proposed dredging of the Port River puts at risk the health of the river, including a likely adverse impact of the marine flora and fauna that is part of the Port River. Also the disposal of the dredged river sludge containing mercury and biocide tributyltin (TBT) is likely to adversely impact on any land or water used for the purpose. It is suggested that there will be air and noise pollution created by the extra fumes and vibration from heavy traffic.

The Hon. M.H. ARMITAGE: I am frankly at a loss to understand this question, given that we have taken the option we have chosen rather than the option of deepening the whole river through to inner harbor. As I have identified, an independent study that was undertaken over a couple of months (or in that vicinity), identified a number of things. The honourable member identified matters such as what were the contaminants and what was the effect on the fauna. The argument was that there were a number of contaminants between outer and inner harbors, which particularly were focused in a number of areas. Because of the slow flow of the river they had deposited in particular areas. My recollection is that the name of some of those chemicals were those identified (and I am happy to check that).

In relation to the dredging of the 11 kilometres from Outer Harbor to inner harbor, it was clearly the contention of many people that that would have a major effect on the fauna that dwells in the river, particularly the dolphins.

Mr Foley: Who told you this—show it to us.

The Hon. M.H. ARMITAGE: A number of people told me that. I am happy to identify letters. Those concerns are not extant if one dredges the outer harbor. As I have identified several times before the honourable member came in, we have chosen the option that is more environmentally sound than the one proposed previously.

Mr LEWIS: I was amazed at the nature of the questions asked by the member for Kaurana and the interjections made by the member for Hart. If we take these people seriously, as homo sapiens residing on this continent in a civilised community we should be packing up our belongings in the wooden chests in our disposal, loading them back on to the First Fleet and sailing back to Europe, for God's sake. That is where they are coming from in asking such inane questions. Quite clearly people have to live somewhere and, no matter where they live, rain will fall on the ground upon which their houses have been erected and over which the roads have been constructed and the rain will run off. It does not matter where they do their living and the incidental things associated with it, the run off water will go to the lowest point, which is ultimately for most of coastal Australia, the sea. It does not matter where they live, the same amount of this stuff, whatever it may be, of which the member for Kaurana by inference and implication complains, will end up in the sea. It will get there by a river or by some other artificially constructed channel, but it will get there nonetheless.

To suggest that selling land that currently belongs to the government and one of its instrumentalities called the Ports Corp, is an inappropriate course of action to take or is an inappropriate policy to pursue on the basis that greater occupancy of the land which may result from the sale will ultimately result in some greater pollution here, there or anywhere else, of itself is inane, because that will happen regardless of where the folk live or go to work, or where the road is put that will enable them to get from where they live to where they work, from where they work to where they recreate and from where they recreate to where they live. People have to get around. All these things are part and parcel of society.

The second point I make then about the effect of this sale under clause 7, the disposal of maritime assets and their liabilities, the sale/lease agreements, is that that act has nothing to do with whether or not there is any merit in people living here. They will live here. More importantly, in the Port River itself this bill, were it to become law as one assumes is more likely than not to be the case, will not adversely effect the Port River to anything like the extent that I know it was adversely affected from the kind of practices to which the waters were subjected when it was a dead end appendage whilst I was working around the wharves in the 1960s. The amount of crap of all kinds from industry and from human activity, animals and everything else that used to go into the Port River then, whether it went there directly from the vessels that were moored dockside or flowed there in consequence of its being suspended in stormwater or found its way there by any other means, was many fold greater than it is today. We just do not have the number of vessels visiting the port and we do not have the number of people using the port to handle the same tonnage, so altogether it is much less.

I further make the observation that deepening the channel of the land referred to in clause 7, where it forms part of the Port River, will not of itself cause pollution of any kind. The pollution will be there or not be there regardless of how deep the water is, for God's sake, your sake, my sake and South Australia's sake, unless I am somewhere missing a point. I had a look in the Port River a few years back and a good many years earlier than that. I am talking about not from the surface but from beneath the surface, and I can tell you that it is a lot cleaner now, since the flush came through from West Lakes. That does not mean it is exactly clean, nor does it mean that leaving it at its current depth at low tide or further deepening the channel will change any of that.

However noble the desires of anyone else may be, however concerned they are, it is naive, indeed idiotic, to suggest that changing the depth of the bottom of the channel from the waters of the Gulf St Vincent into the Outer Harbor a further 11 kilometres upstream will not change that at all. I remember the dolphins being in the Port River in the 1960s when all this pollution was there in far greater quantity than it is now.

Mr Hill interjecting:

Mr LEWIS: They only had who?

Mr Hill: They only had one head then!

Mr LEWIS: One head? What—the dolphins have more than one head? Oh, a joke. Right. If they were to be polluted with cadmium like some of the garfish I have seen at the head of Spencer Gulf, if the waters in which they live and the food on which they live were polluted by as much cadmium as has occurred in upper Spencer Gulf which has caused skeletal distortion and the development of monsters, if you like, in those fish—and I have seen that—it would have been evident

long before now. It is less likely to be so from now on because there is less discharge of waste from the vessels and from the surface of the paved area around the port. So, there is no greater risk and no lesser risk, whether or not we sell the land or deepen the channel, and those who stir up hysteria among the unsuspecting public are themselves either ignorant or guilty of some machiavellian determination—

An honourable member interjecting:

Mr LEWIS: No, I am stating my opinion of the debate, as I am entitled to do under standing orders. I will sit here but I will not align myself with nonsense, rubbish and drivel.

Mr Foley interjecting:

Mr LEWIS: I know they talk rubbish. I have listened to it not only in here but in the party room from time to time whilst I was a member of it. That does not alter the fact that wherever I find it, if I see it to be so, I will say it is so. This is rubbish.

Mr Foley: What took you so long?

Mr LEWIS: I guess they invited me to leave and I had no option but to go. I had greater hope in their judgment and in their own concern for their future but they—

The Hon. M.H. Armitage: Not everybody, Peter.

Mr LEWIS: Not everybody: I acknowledge, according to what has been put to me by several members, that the minister at the table was the only one. He was the only one who supported it. I have never yet understood why that is so, although I am sure it is for good reason.

However, I digress. This is a serious matter. I saw merit in having that channel deepened and set about trying to attract projects to the area of the port. We need to remember that ports are for shipping and if you do not have shipping in your ports where the hell are you going to have it? If you do not have shipping at all you will not have a very civilised society because you cannot send all your trade out by air.

Mr Foley interjecting:

Mr LEWIS: We certainly need shipping, but the honourable member for Hart ignores that if there is to be shipping and shipping industries to make it viable you need to attract a few more of them than we have had in the port area. I set out to do that, although he sought to misrepresent my endeavours in that regard, and albeit, on the day, succeeded in doing so but regrettably for South Australia it has cost us \$1 billion in investment and some \$600 million or \$700 million in income. Repair and recycling, as well as breaking of ships, was a sensible industry given modern technology at our disposal now. It could have been included under clause 7 provisions but it is not, and that is sad. We have missed the boat.

There is one other thing I want to say under clause 7 in general terms and that is that there are parts of the ports and the land which is currently owned, albeit assigned originally for the purpose of the ports, which are not included in this. Members of the general public do not understand that. They think that all the crown land near ports around this state is to be disposed of, leased or sold as provided for in the bill in general and this provision in particular. A more recent explanation of what is to be made available under the provisions of this legislation reveals to me that that is not so. Some of the land to be sold, to my certain knowledge, in the Le Fevre Peninsula area is polluted but the bulk of the land that is polluted is not to be sold: it is still being held.

In that respect, on Le Fevre Peninsula, I refer to what is called Mutton Cove. If there were anything of significance there, it is not there any more: it is full of toxic chemicals and other substances. I have known it to be used for the disposal

of things that could not be put elsewhere. Those things are not the sorts of things that you or I would want in our back yard. To claim now that it has some great merit to be kept in its current form has absolutely no scientific basis, whether archaeological, geological or anthropological. Anyone who argues that it has such merit is either a knave or a dill: I am not sure which—they can choose. Mutton Cove is, as I have said, covered by not only the innocuous salts that have been dumped there but by a good many others—

Mr Conlon: What about the tube worms?

Mr LEWIS: The tube worms do not live there and the honourable member, had he ever been out digging tube worms, would realise that they are on the other side of the channel.

Mr Conlon: I grew up there.

Mr LEWIS: You might have grown up there but you know very well that there are no tube worms today living in Mutton Cove. There is far too much arsenic and copper there.

Mr Clarke: When was the last time you were there?

Mr LEWIS: About three months ago. If you want tube worms you go to the other side of the river entirely and out through the island network away from where the port is. Altogether, it seems to me that it is a pity if we find, as a result of disposing of the land proposed to be disposed of, that any kind of monopoly results in consequence of doing it. However, the land, title by title, location by location, clearly does not need to be held by government for it to provide the service of port facilities for the community of South Australia. I do not have any difficulty with the proposition (which has now been ruled out by the government) of dredging the channel, as seems to be the case for members opposite.

I will now conclude, having made those few remarks, gratuitously provided—and any member's responsibility is to do so for the benefit of the House and for the record and their constituency. Whether constituents like it or not is beside the point: they are entitled to know how we think, what our assessment of the situation is when we look at what others have thought, and the decisions we ultimately make.

The Hon. M.H. ARMITAGE: I thank the member for Hammond for his remarks that were gratuitously provided, as he said. They were his opinion and I respect him for that.

Clause passed.

Clause 8.

The Hon. M.H. ARMITAGE: I move:

Page 7, line 36—Leave out 'reasonable notice' and insert 'at least 12 months notice'.

This is a minor amendment, which identifies the omission of the words 'reasonable notice' and inserts 'at least 12 months notice'.

Mr FOLEY: This is a good opportunity to continue with the issues about the port of Adelaide. I intend to make a contribution at this point on what I—

The ACTING CHAIRMAN: Order, the member for Hart! We are dealing with the amendment. Once the amendment has been inserted we will get on with that clause, so we should confine ourselves to inserting the clause.

Ms HURLEY: I appreciate that reasonable notice has been changed to at least 12 months, which I suppose gives people a chance to take some action if there is an intended closure of a port or any part of it. What will happen if there is notice of intended closure? Presumably, the government, as the lessor, would take back the land. What would be the

position with assets on that land or any alteration in those assets? What is the agreement about negotiating on that aspect?

The Hon. M.H. ARMITAGE: The process would be that the lessee would be required to consult with the government, which would obviously make an assessment about its priorities and the options for action, whatever they may be, and there would be a negotiated agreement regarding the assets as part of that consultation process. I believe that was what the Deputy Leader asked.

Ms HURLEY: I think people in the country, from my experience, are really sick of their assets being sold and facilities that they have been used to being closed.

Mr Venning interjecting:

Ms HURLEY: I can tell the member for Schubert that people in the country are not very happy with the Liberal government, period. They are very sick of the government withdrawing from their regions services that they have a right to expect. Any closure of any port will come into that category. No-one in any region of South Australia will be very happy to see their port closed, whether there is a 12 month lead notice or not. The Premier has promised that no more government facilities will be closed in country areas and that there will be no further reduction in employment. Does the minister consider that this initial sale process absolves the government of any further obligation to honour that promise? If there is a notice of intended closure, will the government ensure that any country regional port remains open?

The Hon. M.H. ARMITAGE: As I have identified in response to previous questions, the government will make an assessment of the circumstances at the time. It would be a stupid decision to keep a port open when people using that port for exports were paying a lot more than someone else or that they might pay elsewhere. We would make an assessment at the time, as would any government, according to the appropriate circumstances.

Mr CONLON: Further to the questions raised by the Deputy Leader, I have some concerns. Apparently the clause would read as follows:

A sale/lease agreement must contain a provision under which the lessee must give [at least one years'] notice of the intended closure of a port or any part of it.

I do not see that it provides any remedy to anyone or puts any obligation on any party to do anything about it. It is likely to be the case, I understand, where all the ports are operated by the same operator or where the operator intends to close one part of a port, that the operator is required to give notice. As I understand it, not only does it create no obligation on the government to keep it open and no obligation on the lessor, but I am not sure what could be done about it where one part of a port was closed. I would understand that they are not in breach of their lease because they have told you that they are closing part of it; they own the rest of it; and I do not see how you could do anything about it.

This is one of the fundamental problems with this bill. When one looks at what governments do—even if one is a minimalist or one of those odd people on the government's side of the House who believe that governments should be tiny and do as little as they can humanly be made to do—one sees that one of the things they do is provide infrastructure so that the economy works.

A problem with this bill is that we are simply washing our hands of one of the most fundamentally important pieces of transport infrastructure to our state. We will ask questions on

other aspects of this clause, but this bill offers no guarantee that the people who purchase or lease the ports will keep them open and make any decision in the overall economic interest of the state: they will make them in their own economic interests only.

If someone owns all or part of a port and closes part of it, what can be done about it? They have not breached the terms of or terminated their lease, and they have not invoked the provisions of clause 8(h), relating to the expiration or early termination of a lease, so what can be done about it? And, let us face it, you would intend to do nothing, anyway.

The Hon. M.H. ARMITAGE: The government denies the allegation. The lease agreement which would be signed will have, as I identified previously, the requirement to consult with the government, whereupon the government of the day will make an assessment as to the appropriate way forward.

Amendment carried.

Mr FOLEY: I want to talk about a government decision that I find disgraceful and quite distressing for the people of Port Adelaide. We saw in this place a few weeks ago a government that attempted to pass a piece of legislation to sell the Ports Corporation. We can have a different philosophical view and a different approach as to how one might add value to the port of Adelaide, but when that bill was in this House the government withdrew it because the member for Stuart and the member for Schubert were not satisfied with the government's response to the provision of a deep sea port. That is not an unreasonable position for them to take, I might add—and not a position on which they should be voting in this chamber. However, as local members and as shareholders in AusBulk, it is not unreasonable to expect them to have a view on it.

But the government withdrew the bill because members were not happy and were not going to allow passage through parliament that night because this minister could not get a decision, could not sign off, on the deepening of the Port River. I do not know what information the minister has on the deepening of the Port River because he has not shown it to me; nor has he shared it with the Port Adelaide Enfield Council or consulted local people. We do not know what are the environmental impediments; we do not know the costs of that dredging; and we do not know the logistical impediments to the deepening of the river. We do not know, indeed, whether the river needs to be deepened to its full extent and whether a partial dredging of the river would suffice. I will say a little about that, if not in this contribution, later tonight.

This minister has had two years to get this right and, as we will debate tomorrow night in relation to the TAB legislation, he has been juggling these balls and paying his consultants for two years without getting together a package for this House. He went a few weeks ago and said, 'I cannot get this bill through my own party room, let alone through the lower house of this parliament.' What he then does is ask: 'What do I do?' AusBulk comes up with an idea. I do not blame it for that; it knows the impasse. It has a priority to get a deep sea port, which is not an unreasonable position for AusBulk to have, and I have no problem with its position and its wanting to advocate it—one though that I disagree with in terms of the Outer Harbor terminal. It comes up with this idea. It quickly scratches it out on the back of an envelope. It goes to this minister, he gets his people together, they start to draw something on a map and in a few weeks' time they have a resolution: we will build a terminal at Outer Harbor—and the member for Schubert claps.

This is an ill-thought through, ill-conceived and ill-prepared proposal—and the member for Schubert laughs his head off. He will not laugh when I reveal to this House what was said to me on Friday by representatives of AusBulk. If the member wants to push me, let him do so and he will not be happy with what I have to say. I will leave it at that and the member for Schubert can sit back and contain himself, but I will not come into this chamber and see residents of Port Adelaide dealt with in this disgraceful, despicable and distressing manner. This appalling government said: 'This deal will do, we will whack it on Pelican Point. We will whack it just behind Pelican Point Power Station. We will make a decision on the run'—

Mr WILLIAMS: Mr Acting Chairman, I rise on a point of order. It was my understanding that this was not a third reading debate and it was incumbent on the member to ask a question. We are in committee, are we not?

The ACTING CHAIRMAN: I take the member for MacKillop's general assertion that we are in committee and that the honourable member should ask a question. I am not quite sure what the member for Hart's question is.

Mr FOLEY: I will get to my question, but you allowed the member for Hammond to speak for some 20 minutes before a question was put by him. I expect the same courtesy. The member for MacKillop, as a shareholder in AusBulk, should sit back and listen and, if he wants to be worried about issues, he might learn to pay his shearers a fair wage. I will get back to this—

Mr Lewis interjecting:

Mr FOLEY: No, I want the same courtesy they gave you in terms of being able to contribute for some 20 minutes. It will be a lot longer than that by the time this debate is concluded in this House tonight. This silly, ill-thought through and ill-conceived proposal has all the hallmarks of the Pelican Point Power Station decision of the government and all the hallmarks of a rushed decision that was not considered over time—and the minister can laugh. The minister treats the people of Port Adelaide with absolute contempt.

What I will do is go through this issue. The shadow minister for primary industries has made the opposition's position very clear on the issue of a deep sea port. We understand the need for it, we want to work with the industry and we want to be able to deliver it, but we will not have it delivered by a rushed, ill-considered and ill-thought through proposal such as this. I have a very important ally in that and, if I need to, I will make further reference to that a little later. Let us look at this issue and what it means to the people of Port Adelaide. The minister did not consult and has not consulted. He had one conversation with me in the corridor when I asked about the issue. I have not been shown the details by the minister. I had to be shown the details by the Council. I have not been consulted and neither has the council been consulted on the impact.

The minister talks about running it through rail. It is fine for the minister to say that. What he says in this House tonight is, 'We will probably run it over the Port Road bridge. We will run it over the Causeway bridge. We will run it through Ethelton, straight past a number of primary schools and intersections.' The rail infrastructure—and if he asks his colleague the Minister for Transport she will confirm—is not adequate on the Port Road, the Causeway, and indeed, we are advised that the entire railway line will have to be relaid because the load bearing is not sufficient to take these trains.

We are advised that these trains will be at least 80 to 100 carriages long.

When a panamax ship is in the port of Outer Harbor, I am told that it will have to load up to 80 000 tonnes of grain in a 24 hour period. Trains will be running around the clock (as will trucks) for a 24 hour period. Not this government, its advisers, the consultants or anyone else has given any thought to the social impact on the people who live on Le Fevre Peninsula. The farmer from Schubert and the minister who lives in leafy North Adelaide can laugh, but I tell members this: I am elected to represent the people of Port Adelaide and this is bad for the people of Port Adelaide. It is not right. At present I have a loose agreement with the rail companies running trains on the peninsula: they try to conclude their trains by 1 a.m. in the morning because there are hundreds of houses along the train line.

At present, the carriers attempt to deal with that, but the disruption to the lives of those people when those trains are shunting through in the early hours of the morning is so significant that their whole lives are disrupted. These people might not mean a lot to people living in leafy North Adelaide, farmers living in Clare, or to an arrogant, out of touch conservative government and its conservative advisers, but I say this: it means a lot to me as their elected member and I will not be quiet and sit back and allow people to do the people of Port Adelaide a massive injustice because no thought has been given to the impact on their lives.

I know for a fact that 20 years ago AusBulk looked at an Outer Harbor terminal. The considered opinion then was that it did not want to build there because it had the foresight to understand that continual loading at that point would have a significant impact on the quality of life of the people of the peninsula and it did not want to be in conflict with residents. That is why it built its facility on the other side of the river. The facility on the other side of the river is fully owned by AusBulk. It has much more land available at that site than what would be available at Outer Harbor. It would be able to expand its operations and deal with it—

Mr Venning interjecting:

Mr FOLEY: I do not care if it is written down, Ivan. This is a passionate contribution from a member who is concerned about his residents. Today I heard the Minister for Police denigrate the people of Port Adelaide in a very personalised attack. Incidentally, if people have not noticed, this is a minority government. This is a government hanging on by bare threads. This is a government that is in decay. Its position on the Treasury benches is but short lived and people had better recognise the fact that there is an alternative government in this chamber, and they had better understand that alternative governments have views and those views are important.

We would be more than prepared to sit down with the grains industry and work out a reasoned position with a deep sea port, but I do not think any objective farmer from the farming community would disagree with the view that we have to balance the needs of the people of Port Adelaide. In the same way as the member for Flinders would have to value the view of the residents of Port Lincoln and the member representing Yorke Peninsula would have to value the views of the people of Ardrossan, we should value the views of the people of Port Adelaide. The least the minister could do is ask the people of Port Adelaide what they think.

Tell me this minister: why have you not consulted? Why have you hidden this from the people of Port Adelaide? Why have you clandestinely put this proposal together, ignored the

people of Port Adelaide and put this issue to the grains industry with no consultation with the people of Port Adelaide?

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Yes, I think there was. I will do my best to answer without becoming passionate. There are a number of observations and I will correct the ones that were incorrect. AusBulk—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: The answer to that question is yes. AusBulk did not come up with this solution, and indeed the preliminary feedback is that it makes the most economic sense and it is the best possible solution. In relation to the loading of the vessels, clearly the member for Hart is forgetting that the government believes that a storage facility would be provided and, indeed, as part of our contribution we are providing land for just that to occur. The member for Hart continues his diatribe (some might argue that that is possibly not a good word, given that it started favourite and came nowhere) about what the government and I in particular think about the people of Port Adelaide. I remind the member for Hart that it was the web site that I set up as part of the early phases of Talking Point on which the very first consultative process was about ship breaking. The feedback from that Talking Point site was a key feature in the government's making a decision not to have ship breaking on the Le Fevre Peninsula.

I remind the member for Hart that it was this government and I as minister who removed the discharge from the Port Adelaide waste water treatment plant from the Port River. Given the member for Hart's impassioned plea, which he identified himself, I would merely ask him how many times the previous ALP government addressed the issue of stopping waste going into the Port River. How many strategies did his government develop to stop the waste going into the Port River? How many times did members of his government think to themselves, 'How can we stop the pollution of the Port River?'' How many times did they present to the people of the electorate of Hart solutions for the problem? How many times did the ALP government give one single thought to that issue? I can tell you the answer: it was zero times, but this government has actually done it. So, the allegation that this government does not care about the people of Port Adelaide is stupid, and it is denied accordingly.

Mr VENNING: I initially want to declare my interest in the company, as I have done every other time I have risen on this issue, as a shareholder of AusBulk. I say again quite clearly that AusBulk is not mentioned in this legislation at all. I declare my interest, but I intend to vote on this issue. I have been very disappointed indeed at the style of this debate. I always thought that at the very end commonsense would prevail. I heard the deputy leader. Some of the finest grain growing areas in this state are in an electorate which she wishes to win at the next state election. The people of Freeling will hear about what she had to say this afternoon, because they need a deep sea port that enables them to export competitively. If we do not address this issue, they will be exporting grain from Portland in the South-East. That is the upshot of all this.

We also heard the member for Hart this evening carrying on about the inner harbor being an option. The member for Kaurana had the right idea when he asked questions about dredging and the pollution problems associated with that. You were quite happy to incur the cost of dredging the whole of the Port River and then run the risk of environmental

problems. I wonder where you have been over the past five years. You know the situation out there now, when you want to dredge anything and put it on the land. You can imagine trying to dump this stuff at sea; it would be impossible. As the member for Hanson would know, the ERD Committee has discussed the dumping of dredging. I am absolutely flabbergasted with members of the Labor Party. We are hearing the story that country Labor listens, but this is yet another instance where it just does not want to listen.

The member for Napier, who hopes to be the member for Light one day, ought to go out to some of the finest grain growing areas of the state, such as the Roseworthy area. All of them depend on this new initiative. They have built a new fast unloader at Roseworthy purely for this new port. I notice that earlier the member for Hart also stated that a bit of double dealing is going on here. If that is true I shall investigate that, and any decision in the future—

Mr Foley interjecting:

Mr VENNING: You intimidated it.

Members interjecting:

The ACTING CHAIRMAN: Order! The member for Schubert has the call.

Mr VENNING: I am happy to hear that, and it will make a lot of difference to the decisions that are made in the future. I do not like or appreciate people playing double sides in this game. I am trying to play with a straight bat. I have declared my interest; I have shares only because I am a farmer, as does every other farmer in this state. It is ridiculous for people to suggest that as a farmer I cannot exercise my vote. I have sought opinions and if there were any risk in it I would not be standing here right now.

This is a 30 year decision, and we are very close to giving the farmers what they have been looking for. I have said 'farmers'; I do not care who operates the thing. The minister has drawn this legislation carefully to make sure it is all open to the industry that operates this. I am very disappointed indeed to be so close to a decision after 30 years and hear the debate opposite. Dredging is a very important part of this whole project. If a buyer wished to come along and dig the channel to this new berth deeper, envisaging cape sized ships, is that possible and could that be part of the process?

The Hon. M.H. ARMITAGE: Yes, and yes.

Mr FOLEY: I return to the issue of the impact on Port Adelaide. I would have thought the minister could do a little better than to answer my questions by referring to a couple of issues that are unrelated to the bill before us. He had to talk about decisions he is taking. As I have said to the minister publicly and privately, this minister made a very good decision when it came to removing the Port Adelaide sewage works, and for that I am grateful and commend him.

Mr Venning interjecting:

Mr FOLEY: Exactly. It is something the former Labor government did not do; I have no problem with acknowledging that. As my colleague said, I suspect that Sean Sullivan, the recently dismissed head of SA Water, also had quite a bit to do with that decision. I accept that the minister takes the glory, as he should in this case, because he made a good and right decision. I simply ask: why not apply that standard to this matter? Why not at least sit down with me and the people of Port Adelaide and consult us? Bring us into the discussions; tell us what you are thinking; tell us your dilemma with a deep sea port; show us what the problems might be with the dredging or partial dredging of the river. Talk through with us the issue of the Outer Harbor terminal; whether you are considering the rail bridge at the third river crossing as an

option; how you will deal with the fact that these trains will be extremely long, will put enormous strain on existing infrastructure and will block perhaps two if not three crossings at any one time, given the length of these trains.

Talk to me, the council and locals about those issues. Do what you did with the Port River sewage treatment works and Myer oval, and bring us in. You have not done so in this case. I fought a pitched battle with the government on the location of the Pelican Point power station.

Mr Venning interjecting:

Mr FOLEY: No, it is not, Ivan, and you know better than to say that. It is a location issue. It is about asking why we are impacting adversely on and complicating the lives of ordinary South Australians. They may not be people who can articulate their position in this place, because they do not have that opportunity; they rely on me. Those people who live along that train line—the minister rolls his eyes—

The Hon. M.H. Armitage: They don't rely on you to speak: they can articulate their own views. You're the one who's denigrating them.

Mr FOLEY: No, I said 'in this place'.

Members interjecting:

The ACTING CHAIRMAN: Order! The member for Hart has the call.

Mr FOLEY: The minister tries to play with words. They do not have the chance to come in here and put their views to this place. It is a pity they cannot put their views to the minister, and it is a pity the minister could not come to Port Adelaide, meet with the community involved and talk it through.

Mr Venning interjecting:

Mr FOLEY: You've been down there! This minister has ignored those people. That is a disgrace. We do not know what the impact will be on the existing rail infrastructure or what costs will be associated with that. Is it correct that one option that the minister has not pursued would be a partial dredging of the river, which would not have the same environmental and cost impact (the advisers can shake their heads all they like) and to which AusBulk may be prepared to agree?

The Hon. M.H. ARMITAGE: That is exactly the option we put before, and that is why the environmental report identified that it was not appropriate for the reasons I have outlined. A partial dredging is exactly the option that we put before. That is what we investigated in our environmental study.

Mr FOLEY: Will the minister allow the opposition to have access to that report and his advisers, and will he allow us full disclosure of what caused him to rule that out as an option? Will the minister then make available to the opposition his advisers and his advice on the decision to build the facility at Outer Harbor? As I said, we have not seen any of this information. We are simply being landed with a proposal that will impact on the lives of quite a few thousand people. Quite frankly, I do not trust the minister's government or this process. Until we can see sufficient evidence that this is the only way to go, we will remain sceptical.

The Hon. M.H. ARMITAGE: To the former shadow Minister for Information Economy, I identify that the review of dredging options for the Port Adelaide River Executive Summary has been on the Ports Corp web site for a long time. The option of getting the complete review was there for anyone who chose to do it. There has been one request.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: The implication is that this is a secretive process: it is not.

Members interjecting:

The ACTING CHAIRMAN (Mr Hamilton-Smith): Order!

Ms HURLEY: I would like to revisit the opposition's position on this bill right from the beginning, particularly for the benefit of the member for Schubert, who tried to twist it around. The opposition has been entirely consistent in its position on the bill. It has talked with the Farmers Federation and to the ABB. We have been entirely consistent in demanding that this bill not go ahead unless an appropriate deep sea port option was provided for by the government.

The member for Schubert is member of a party that let this bill get through its party room and into this parliament, and members opposite allowed that to happen, while the opposition was continually opposed on the sale of an important part of South Australia's infrastructure, without any guarantee that an important infrastructure development—that is, the deep sea port—would be part of that sale process. That is fact.

We are now down the track. The minister has made deals with all and sundry to get an option that was not part of the deep sea port committee recommendations. The opposition is not convinced that those deep sea port committee recommendations—which I recall the member for Schubert hailing with great enthusiasm at the time—are not the best ones under the circumstances. The minister is not providing us with the information which convinces us that it is to the financial and environmental benefit of the state that we have the option before us. That is what we are protesting about, and the member for Schubert knows that I as shadow Minister for Primary Industries and the opposition generally have given strong and consistent support for a deep sea port in Adelaide. I argued that extensively in the second reading speech.

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

Ms HURLEY: To reiterate what I was saying, basically, if the opposition had supported this bill when it was introduced last session, it would have gone through without any guarantee of any deep sea port infrastructure. It would have been entirely up to the buyer of the ports, whether or not any infrastructure was put in, to make a financial case for it to be put in.

Despite what the member for Schubert says, it is, in fact, the opposition whose strong stand against this matter has ensured a deep sea port for this state—along with the hard work of the South Australian Farmers Federation and the Australian Barley Board, which presented a professional case which was strongly argued. I did not see strong public statements against this bill in its second reading stage from the members opposite who have an interest in this area or who have grain growers in their electorates. They raised issues about the deep sea port and the grain, but they were not prepared to vote against this bill if it came to it. It was the opposition that ensured that this bill did not get through in the last parliament.

I completely refute the member for Schubert's statements. I can go out among grain farmers and assure them that the opposition does not support privatisations—and certainly does not support further privatisations—and that the opposition supports the provision of decent infrastructure in this state. That is not something that the member for Schubert and most other people on his side of the House can contend. It

interests me that the member for Schubert is so assured in his position that he has the support of the grain farmers in Freeling. I think it just illustrates how out of touch members of the government are. Their assumption that these privatisations are supported in the regional area of South Australia is totally false, and I think they will discover that at the next election.

In coming up with the new option for the port—that is, the grain terminal at Outer Harbor—did the minister talk to the members of the Deep Sea Port Investigation Committee to discuss the six options that were extensively investigated in its final report, and did he consult with them about this final option and provide the sort of extensive financial justifications that were outlined in the Deep Sea Port Investigation Committee report of January 1999?

I think it is worth mentioning the members of that committee to indicate the depth of expertise that was available. The chairman was Mr Jeff Arney of the South Australian Farmers Federation. There were committee members of Australian Southern Railroad; Australian Barley Board; AWB Limited; Ports Corp SA; Primary Industries and Resources SA; SA Cooperative Bulk Handling Limited (which is now AusBulk); Transport SA; and there were grower representatives from Ardrossan, Port Adelaide, Port Giles, Port Lincoln, Port Pirie, Thevenard and Wallaroo. There was also a technical committee and additional contributors from the South Australian Farmers Federation, the Australian Barley Board, Australian National, AWB Limited and Ports Corp.

It is particularly interesting that the major players were represented on that committee in addition to representatives from the areas surrounding the smaller regional ports in South Australia.

The Hon. M.H. ARMITAGE: The answer is that I consulted with a large number of them. I did not consult with the committee per se because the committee had provided its report and wound up some time ago. The deputy leader identified that the chair was Mr Jeff Arney. I addressed the rudiments of this option with Mr Arney four or five months ago and it has been a progressive evolution of the exercise, once costings became known, with many of those groups and people the deputy leader identified. When the costings for the inner harbor option were identified it became immediately clear to people that the figures in the Deep Sea Port Investigation Committee, or the 'deep sick' investigation, were skewed because an inappropriately low figure for the inner harbor option had been provided, and it was freely admitted among the people to whom I have spoken that, if the figures for the inner harbor had been in the option, it is highly likely that the inner harbor would have been excluded. They have acknowledged the value of this proposition.

Ms HURLEY: The minister did not comprehensively answer the second half of the question about the financial and other requirements. The Deep Sea Port Investigation Committee did an extensive weighting of financial risk and other results and did extensive tables to best evaluate the series of options. They were not only financial evaluations but criteria such as the impact on rail systems, ability to move grain rapidly for shipping, road infrastructure impact, community concerns on traffic in towns, noise and air pollution. Several of the issues were raised, particularly by the member for Hart. There was an extensive weighted evaluation table for those sorts of issues contained in the final report of the Deep Sea Port Investigation Committee. Was a similar comprehensive and thorough evaluation done of this last option which, as far

as this House is concerned, has been dropped upon us very abruptly?

The Hon. M.H. ARMITAGE: The finances were addressed with the representatives that I identified in the previous response. The people who were on the committee, in reviewing the financial situation for the inner harbor, realised that it was an impractical option.

Ms HURLEY: The minister did not answer my question about the other aspects of the evaluation done in the report and not just the financial evaluation. It was evaluated against impact on the rail situation, times to port and community impacts. Were those evaluations done?

The Hon. M.H. ARMITAGE: Those matters were addressed with all the people from the Deep Sea Port Investigation Committee with whom we spoke and they have signed off on this deal.

Clause as amended passed.

Clause 9.

The Hon. M.H. ARMITAGE: I move:

Page 8 after line 23—Insert:

(2) The Minister must have a report on the probity of the processes leading up to the making of a sale/lease agreement prepared by an independent person engaged for the purpose and cause the report to be laid before both Houses of Parliament as soon as practicable after the making of the sale/lease agreement.

Previously we discussed with the member for Hart and the parliament the question of independent probity reports regarding processes of the exercise that would be the subject of this legislation and I merely indicate that, in order to identify to the committee that that has occurred, we will be tabling that report.

Mr FOLEY: Who is the probity auditor appointed by government?

The Hon. M.H. ARMITAGE: Blake Dawson Waldron.

Mr FOLEY: Who is the probity auditor specifically by name?

The Hon. M.H. ARMITAGE: Elizabeth Johnstone.

Mr FOLEY: As I outlined earlier, the Auditor-General has made it known to the government that he is displeased with the way in which the ETSA lease was handled in terms of the evaluation process. Will the minister assure the committee that he has fully consulted with and has the agreement of the Auditor-General and that he is supportive of and accepts the evaluation process and modelling that the minister has put in place to evaluate the various bids as and when they come in?

The Hon. M.H. ARMITAGE: As I said in response to a previous question, which I believe was exactly the same or which certainly had the same intent, the Auditor-General has told the government that he will refuse to sign off on prospective arrangements. He believes that it is within his purview to review the arrangements and actions which have been put in place. In retrospect, accordingly, we have gone down the path, which we would have gone down anyway, of having an independent probity auditor. We are being as transparent as we possibly can, and we expect that the Auditor-General will sign off on that process.

Mr FOLEY: What I am about to say goes to the credibility of this process. The minister's track record in respect of privatisation is very poor. If ever there was a precedent for the Treasurer of South Australia to handle the sale—notwithstanding my personal differences with Rob Lucas—he should be handling this sale, because at least he would be able to deal with it in an effective manner. What the minister has just

said is nonsense. In fact, to quote a famous South Australian, it is arrant nonsense.

In respect of the ETSA lease process, the Auditor-General has openly stated that he will advise government prospectively about the evaluation process. I sat on a select committee that was all about prospectively putting in place the proper evaluation method. The minister is right to say that the Auditor-General in accordance with normal procedure would review the events after they had occurred, but where privatisation is concerned I am certain that he would be more than willing to advise the minister's officers of exactly what he would expect for a successful evaluation model. He has done it for ETSA; the template is there. I again put to the minister that it would be eminently sensible to work with the Auditor-General to make sure that we do not have some of the problems that we have had previously.

The Hon. M.H. ARMITAGE: I merely make the point that we are in no way attempting not to work with the Auditor-General. My understanding is that the Auditor-General suggested that model after the ETSA legislation had occurred.

Amendment carried; clause as amended passed.

Clause 10.

Mr FOLEY: Regarding the future development use of Le Fevre Peninsula, before the dinner break I gave a passionate speech about the interests of the residents of Le Fevre Peninsula. I do not necessarily want to reach those levels of passion again, but let us get down to specifics. The minister mentioned an amount of \$19 million to dredge Outer Harbor. That is a one-off cost, but clearly there will be an ongoing cost. What are the expected ongoing dredging costs?

Mr Venning interjecting:

Mr FOLEY: Well, \$19 million worth of dredging might last three or four years. I would like to know if the minister has advice on that. More importantly, however, what is the cost of relaying the rail track along the Le Fevre Peninsula, given that it is unsuitable? Secondly, has the minister evaluated the cost of sufficiently repairing the bridges and maintaining the Port Road bridges and the causeway bridge and rail infrastructure? Finally, has the minister evaluated as an option putting the rail component on the third river crossing?

The Hon. M.H. ARMITAGE: The ongoing costs of dredging would be part of the port operating agreement and would be costs of the new operator, not of the government. They are part of the operating criteria upon which we would expect the port to run.

In relation to the rail, the member for Hart earlier claimed that the rail is unsuitable and would need to be completely relaid. That is not our information. Transport SA has categorically indicated that that is not true. The figures that I identified previously are the costs for the on-ground infrastructure as best as can be determined at the moment, that is, between \$11 million and \$15 million, depending upon timing issues.

Mr Foley: Is that rail?

The Hon. M.H. ARMITAGE: That is everything. That is on-ground infrastructure.

Mr FOLEY: I am not quite sure what Transport SA's role in all this is, given that the rail is owned by National Rail or Track Australia; it is not a Transport SA line. These are not people who would be prone to giving me poor advice: AusBulk has advised me that the line would need to be relaid. If the minister is telling me categorically that there will be no relaying of the track, that is fine. He put that on the record

and, if that is proved incorrect at a later date, we will deal with it then.

The \$11 million to \$15 million that the minister talks about is an estimate for the cost of the bulk handling facility at Outer Harbor, but he is not dealing with the cost of the bridge and rail infrastructure in Port Adelaide. The minister in the other place, the Hon. Diana Laidlaw—and I have high regard for her competency as a minister on these issues—has made very clear to me that the bridges in Port Adelaide are if not at the end then very close to the end of their useful life.

If we do not spend significant amounts of money on upgrading the rail infrastructure over Commercial Road, Port Adelaide, and, indeed, the causeway, we will be in serious trouble. That is one of the reasons that those such as I who have been proponents of the third river crossing have said, 'Let's put a rail bridge across with the road bridge on the third river crossing.' Has the minister factored into his estimates the very real and significant infrastructure costs of the existing rail bridges that clearly will need to be replaced or upgraded?

The Hon. M.H. ARMITAGE: Yes, but this does not include the provision of a new rail bridge as either part of or parallel with the third river crossing.

Mr FOLEY: I accept that, but the numbers do not seem to stack up. The minister is saying to me that for \$11 million to \$15 million dollars we will build a grain terminal at Outer Harbor—

The Hon. M.H. Armitage interjecting:

Mr FOLEY: What is the grain terminal component?

The Hon. M.H. Armitage interjecting:

Mr FOLEY: The minister is saying that the \$11 million to \$15 million is not the silo component; that is simply the rail and ancillary infrastructure and upgrading of that rail. If the minister has not costed the rail bridge, will he at least consider doing an estimate of what it would cost to put a rail line across the river and negate the need to run these trains through the lower part of the peninsula?

The Hon. M.H. ARMITAGE: We have looked at it and I will be seeking the support of the member for Hart for my amendment regarding the proceeds of the Ports Corp sale for just that rationale.

Mr FOLEY: No, you cannot necessarily count on that, but you can count on this: if you are saying that you will sit down with me after tonight, should this bill be successful, and together we can try to work out a solution for the residents of the peninsula to deal with the 24 hour loading period of Panamax ships by rail and road, I am prepared to offer my support in trying to find a solution. There are residents, as I said earlier tonight, in hundreds of homes, right on the rail track or back from the rail track, who at present—why do you shake your head?

Mr Venning interjecting:

Mr FOLEY: Trust me on this. I actually represent the people.

Mr Venning interjecting:

Mr FOLEY: Well, I can tell you. There are hundreds of homes—

The ACTING CHAIRMAN: Can we have this discussion through the chair?

Mr FOLEY:—sorry, Mr Acting Chairman—either on the line or back from the line. But we already have an agreement with National Rail to try to have trains conclude their work on the peninsula by 1 a.m. The existing businesses work with that curfew. It is a voluntary curfew and it is at least some attempt to give these people quality of life. Will the minister

commit himself tonight to assuring me that he will not have these trains running 24 hours a day and that we can at least look at some sort of curfew on the loading hours of trains and not have them running on a 24 hour cycle?

The Hon. M.H. ARMITAGE: There are not a lot of Panamax vessels in the world but the ones that exist are efficient. There are, I am told, maybe one or two occasions per month when this has occurred: it is not 24 hours a day, seven days a week, 365 days a year. However, at the end of the day I think the member for Hart is being obtuse—either benignly or malignantly, and I will give him the benefit of the doubt and say benignly—because, if a storage facility is built on the land, there will not be a need for 80 000 tonnes to be loaded in one go. Indeed, the important thing is that, if such a storage facility is built, it becomes a development, which then needs the approval of the council and, of course, matters such as rail access, I am informed, would form part of that development approval.

The reason I am identifying all that is that, first, I do not believe it is going to be such a problem as the member for Hart is identifying and, secondly, there are ways and means of ensuring that this 365 day a year, 24—

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: At the end of the day that will be a council decision. If the council determines that, in the interests of the citizens of Port Adelaide Enfield it is a good idea to have excess rating, more jobs, etc. in the council area, it will make that decision, and I contend that that would be a good decision.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: But we are creating extra jobs by extra exporting and so on.

Mr Foley: By destroying other people's lives?

The Hon. M.H. ARMITAGE: That is not a matter that I would agree with but, as I have identified, any claim that this is a 365 day a year, 24 hour a day—

Mr Foley: I did not say that.

The Hon. M.H. ARMITAGE: I am saying that any claim that that would be the case is wrong.

Mr Foley: I did not say that: don't say what I didn't say—

The ACTING CHAIRMAN: The member for Hart has been warned several times today. I would not like to exercise that from the chair.

The Hon. M.H. ARMITAGE: So we contend that it is not necessarily going to be the Armageddon, I guess, that the member for Hart is identifying. I think you also have to look at the broader picture, which is that the whole process of having the inner harbour being less industrial, if you like, or less of a working port, opens up enormous opportunities for the people of Port Adelaide. The whole purpose of third river crossings, possibility of no trains and so on leads to a much more vibrant area and with the possibility of development that the member for Hart and I have discussed in the inner part of Port Adelaide.

Clause passed.

Clause 11.

Mr FOLEY: In relation to the government guarantee and as it relates to the issue that we have been debating, I say from the outset, at no stage tonight have I said that there will be 365 days a year, 24 hour loading at all. I said that from advice to us we would be looking at perhaps one vessel per month. What the minister has now said is that it could be one to two vessels per month. I make this observation and point out that CBH (or AusBulk) own the facility in Port Adelaide. I have not been advised, nor do I think it likely, that it will

simply demolish its existing facility, clean up the site and put it out for tender for residential development. The idea that somehow this development on Outer Harbor will open up some Garden of Eden in the inner harbor is absolute nonsense and perhaps highlights the minister's lack of understanding of issues in the port.

I come back to this point: the minister is advised that the council can have input into the development process, that the council, if it does not want the train or certain hours, can object to it. Again, the minister treats this parliament as if we are naive, innocent fools. Thankfully, or unfortunately, whichever way you look at it, we have been in opposition for many years and we have seen what your government has done, minister, and we have seen what you have done with the Pelican Point Power Station. You have not regarded—

The ACTING CHAIRMAN: I point out to the member for Hart that his comments must be relevant to the clause.

Mr FOLEY: Absolutely; I am coming to the point of the government guarantee, sir.

The ACTING CHAIRMAN: I suggest that the honourable member do it reasonably quickly.

Mr FOLEY: As you would appreciate, sir, by way of background we have to establish credentials of government on these issues and—

The ACTING CHAIRMAN: The honourable member is talking about the government guarantees.

Mr FOLEY: Absolutely, and what I am talking about is trying to guarantee a future for the people who live in my community.

The ACTING CHAIRMAN: It is not the same clause.

Mr FOLEY: The clause says 'liabilities transferred by a transfer order or sale/lease agreement', which is exactly what I am talking about. The point is that the government used section 49 of the Development Act to ignore locals and councils and to fast track Pelican Point Power Station. The minister will do the same with this development. Do not treat me like a fool, that I will somehow fall for the three card trick, as if there will be some way of the council having input, unless the minister wants to back up his statement and commit to saying tonight that he will not use section 49, that he will use proper planning process, he will not fast track this development and he will properly allow input. Will the minister commit—

The ACTING CHAIRMAN: I remind the member for Hart that we are talking about the government guarantee, not the development section which has just passed the parliament.

Mr FOLEY: Absolutely.

The ACTING CHAIRMAN: We are talking about the guarantee and, if the member would like to comment on that, we are quite happy to hear him.

Mr FOLEY: Thank you. Will the minister give a commitment to not using section 49 and abiding by proper planning process?

The ACTING CHAIRMAN: Minister, you realise, of course, that you do not have to answer questions that do not relate to the clause.

The Hon. M.H. ARMITAGE: To the best of my knowledge, I can add nothing to what I have indicated before. Clause passed.

New clause 11A.

The Hon. M.H. ARMITAGE: I move:

After clause 11, page 9, line 19—Insert new clause as follows:
Application of proceeds of sale/lease agreement

11A.(1) The proceeds of a sale/lease agreement must be applied for one or more of the following purposes:

- (a) defraying the cost of restructuring and disposal of maritime assets and the necessary preparatory work;
- (b) work to deepen, extend or clear a harbor or port or other work to develop or improve such a harbor or port;
- (c) improving services and facilities related to a port or infrastructure associated with a port;
- (d) retiring state debt.

(2) If the proceeds are not applied immediately to a purpose mentioned above, they must be kept in a separate account at the Treasury, and any income from investment of the money standing to the credit of the account must be applied towards retiring state debt.

(3) An amount paid by way of security will not be regarded as proceeds of a sale/lease agreement for the purposes of this section.

This amendment will identify that—presuming the passage of the legislation and the sale of the Ports Corp—when the government receives some revenue we wish to identify clearly how that money might be applied. In the government's view, there is clearly a need to continue to retire state debt, and members of the chamber would find that not surprising, given that we have focused on that since our election day in 1993, and indeed we have basically retired the whole of the non-commercial sector debt, despite having been left with something rather horrendous by the previous government.

In identifying that that is a prime goal, it is also the government's view that because the whole object of our South Australian Ports (Disposal of Maritime Assets) Bill is to see the improvement of exporting facilities in the creation of downstream jobs and an improved economy for South Australia it would seem appropriate to identify that some of the work which might be needed to improve such facilities would come from the proceeds of the sale of Ports Corp. Accordingly we have identified in clause 11A(1) that that is the case.

Clauses 11A(2) and 11A(3) are moved in exactly the same vein and identify the way in which any proceeds might be executed particularly, as I said before, to improve the facilities in the port for South Australian exports and hence our economy or to retire state debt.

Mr FOLEY: It is amazing that this has moved by way of an amendment and that it was not in the original bill. You tried this trick with the ETSA legislation. It is about selling state assets. You are doing your best to take some money away from that process to put into a pre-election slush fund to pork-barrel your way to the next election. The opposition is intent on ensuring that an amendment is successful that does ensure that the balance of the sale will be paid off state debt and, as I say, the government has attempted—as with all its privatisation processes—to get the sale through so it can get its hands on a bundle of cash.

As we know, the government's budget position is in cash deficit and significantly in accrual deficit. Notwithstanding the rhetoric and the highly paid advertisements in the *Advertiser* and *Sunday Mail* talking about \$9 billion down to \$3 billion the recurrent side of the budget is still significantly in deficit. One of the great tragedies will be that this government has chosen to sell a large proportion of our state's assets. Our balance sheet as a state is reduced by a very large amount. However, in doing so it has not done the responsible thing in ensuring that day to day expenditure is in balance in cash terms and on an accrual basis.

Without the \$6 billion or \$7 billion worth of assets that we had on the public accounts the need to balance your budgets have never been more important. I think it is an indictment on this government that it has been able to sell the state's

assets but has not done so in a fiscally responsible manner and ensured that the its day to day expenditure has been brought into balance so that we can run balanced budgets, have a reduced debt profile in our state, and not be adding to it.

I have to say that, given the way the budget is currently structured, the likelihood of increasing state debt under this government is very real because John Olsen, as we know, is a big spender. He was a big spender when elected in 1997 when he hacked Dean Brown down. He went straight into big spending mode and has been in big spending mode ever since. There is not a capital works project in this state that has run to budget. There has not been an area of government expenditure that has not exceeded budget.

There has not been area of government outlays that has had anywhere near the degree of financial responsibility it should have, because they have attempted to mask their fiscal irresponsibility by selling large state assets hoping that the community will think they are doing something about improving our state's financial outcome.

As Standard and Poor's quite properly put it at the last state budget, they are not fooled. The credit rating of this state will not be upgraded: we are still below that of Victoria, New South Wales and Western Australia—

The Hon. M.H. Armitage interjecting:

Mr FOLEY: We are.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: I would not accept that you understand what I am talking about; as the minister for ever diminishing government enterprises, these things are a little hard for you. The government has not matched the rhetoric with the outcome. What the government has attempted to do with this sale, in the first instance, is to get its hands on \$100 million or \$150 million and use it to fund its recurrent budget in the lead-up to the next state election. The government thought it could get away with it—clearly, it could not. Obviously, the Independents have said exactly what the opposition has said to the government, and that is, 'You must use your net proceeds to pay off state debt. You can't squander it into recurrent expenditure.'

Given that this is an amendment that will see the net take on the sale of the Ports Corporation used to pay off state debt, we need to find out what that net take will be. One of the major inputs into this process is the cost of the consultants. Given that these consultancies have been running for over two years, what is the final cost—or the cost to this point—for all consultancies involved in the sale of the Ports Corporation?

The Hon. M.H. ARMITAGE: I do not have that figure with me, because I am not concerned about it, but I am very happy to provide it. The government thanks the chief economic adviser to the Bannon-Arnold government for his lecture on financial responsibility.

Mr FOLEY: That throw-away line is cute. As the minister well knows, I was never an economic adviser to John Bannon or the government. I was an adviser on industry policy and I am very proud of my time with Lynn Arnold. I never worked for John Bannon, because the truth is that John never wanted me to work for him—funny about that, isn't it!

The Hon. M.H. Armitage: If only he had he would have saved the state.

An honourable member interjecting:

Mr FOLEY: Yes, we will get that. The point is that last Thursday I indicated to the minister's advisers that I would be asking this question.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: If the minister does not know what he has spent on consultants it does not fill me with a lot of confidence.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: Will the minister give an assurance that we will have the figure before question time tomorrow?

The Hon. M.H. Armitage interjecting:

Mr FOLEY: What is the difficulty in doing that?

The Hon. M.H. ARMITAGE: The rationale for not providing that information now is that I want to be absolutely accurate. I am quite happy to provide the information tomorrow.

Mr MEIER: I am fully supportive of this amendment. It is very pleasing to see the application of the proceeds of the sale/lease agreement going towards defraying the cost of restructuring and disposal as well as work to deepen, extend or clear a harbor or port, or other work to develop or improve such a harbor or port and improving services and facilities, as well as, of course, retiring state debt. I refer briefly to the final report of the Deep Sea Port Investigation Committee, January 1999, where it says in the recommendations:

After taking into consideration the results of extensive financial and economic analyses, and the subjective evaluation of all other relevant issues, the Deep Sea Port Investigation Committee therefore recommends:

1. The development of the grain ports at Port Giles and Port Adelaide (inner harbor) to fully loaded panamax capability, and Wallaroo to partly loaded panamax capability
2. Development of the grain export facilities be staged over a five year period as follows. . .

And then it details Stage 1 'Immediate' and Stage 2 'Five years time'. The recommendations continue:

3. The grain industry approach both the commonwealth and state governments regarding funding support for the proposed port developments.
4. Detailed project planning and implementation of the developments at Port Giles, Port Adelaide (inner harbor) and Wallaroo start immediately.

I guess that we have waited well over 20 years—in fact, it is a lot more than that—for an upgrading of some of our ports to deep sea port capability. And for the first time ever, a government of this state has gone forth and said, 'All right, if we can lease the ports, we will upgrade the ports on Yorke Peninsula', namely Port Giles, full, and Wallaroo, partial; as well as a third upgrade. We are well aware of the arguments that have been put forward as to why Port Adelaide will not be upgraded and instead it will be Outer Harbor. It is the compromise situation; there is no question about that. Thankfully, the grain industry has agreed to that and it will be—

Mr Foley: The residents haven't been asked their opinion.

Mr MEIER: I don't think the residents of Port Giles or Wallaroo were asked their opinion, either, but I can say on their behalf that we are very grateful for the state's economy.

Mr Foley interjecting:

Mr MEIER: Don't you want to see the ports expanded and developed?

Mr Foley: Not at Outer Harbor.

Mr MEIER: Shivers! Here we have a member representing them and he does not want to see them expanded. What sort of member is he? For heaven's sake! Look to South Australia, lad, and develop it in a way that it should be developed. No wonder when Labor was in power we went down, down, down. Our economic activity continued to go down—it was absolutely tragic—and here we have the

shadow Treasurer saying he does not want to see it developed.

Mr Foley: Not at Outer Harbor, though.

Mr MEIER: Not at Outer Harbour. Well, where do you want to see it developed?

Mr Foley: Where it is.

Mr MEIER: At Port Adelaide? Be reasonable.

Mr Foley interjecting:

The ACTING CHAIRMAN (Hon. G.A. Ingerson): Order, the member for Hart!

Mr MEIER: Does not the honourable member understand that the super vessels cannot come into Port Adelaide? He would take us back to the dark ages. He does not understand; he has admitted it. I can well understand it, from the many things that he has said over the past six or seven years. I will not be side tracked on that.

I am delighted that as a result of the recommendations of the deep sea port investigation committee our government will commit the proceeds from the sale of the South Australian ports to the respective upgrades. I ask the minister to indicate what sort of money will be spent on the ports of Port Giles, with a full upgrade, and Wallaroo, with a partial upgrade.

The ACTING CHAIRMAN: An amendment to the minister's amendment has been moved by Mr Conlon, and the deputy leader will be taking that up.

Ms HURLEY: In paragraph (b) of the minister's amendment, after the words 'work to deepen, extend or clear a harbour or port' we would seek to insert 'of which the minister has control and management', and then delete paragraph (c), which allows proceeds to be applied for improving services and facilities related to a port or infrastructure associated with a port. The reason for this is that, once these ports are out of the government's control, the opposition sees no reason for the government to spend money on them. I therefore move accordingly.

The government has shown a remarkable reluctance to spend its money on infrastructure unless it is associated with a private development, and then it seems all too keen to apply government money to a private enterprise. For example, the government was very keen to provide associated infrastructure such as transmission wires, and so on, to the Pelican Point power station. On other developments such as Wirrina and at Glenelg, the government has been only too keen to provide infrastructure to service those two private developments. The opposition strongly supports the application of the proceeds of the sale—if there has to be a sale—to retiring state debt, but does not want to give the minister unfettered power without any restraint forever to spend government money on facilities operated by a private operator.

The Hon. M.H. ARMITAGE: I think I understand. The government will oppose the amendment for two reasons. First, if this legislation were to pass, it is our view that the proceeds could see the ports leased as early as March or April of next year, and commitments may have been made which would not have been completed in that time. Rather than not allow those to occur, we would oppose the amendment. We would also be against the amendment because it may be, into the future, that there is a requirement for a community service order payment in some of these areas and the amendment would prevent that. It is not being perverse: it is being practical that we support our amendment, not the amendment moved by the deputy leader.

Ms HURLEY: That is completely illogical. The minister is saying that some time in the future the government may

need to do some work around the harbour. Presumably, if the proceeds of the sale have been put to retiring state debt, as required, then that further money would not be available from the proceeds of the sale but would come from government revenues in the normal way. If a case is to be made to do work around a private harbour for a private operator, the case needs to be made for that to come out of state government revenue.

The Hon. M.H. ARMITAGE: As I have identified, in particular in relation to paragraph (b), 'work to deepen, extend or clear a harbour or port', the government might have made a commitment to do such a thing but, if the lease occurred prior to that work occurring, we would then not be able to apply the proceeds to it because the port would no longer be under our control. Far from being illogical, as the deputy leader said, it is totally logical.

Mr FOLEY: I want to explore some of the finances. I was not in the chamber when this issue was canvassed—and that was obvious a short time ago when I was talking about the \$11 million to \$15 million. I will come back to that in a moment. Minister, I apologise if you have already covered this, but would you walk me through the cost of the construction of the facility itself at Outer Harbor; how much and who pays?

The Hon. M.H. ARMITAGE: I am presuming that the member for Hart means the deep sea port facility?

Mr Foley: And the silos.

The Hon. M.H. ARMITAGE: I will be very clear, hopefully, for the last time: \$19 million is the estimated cost of deepening the channel, a turning circle and work on the berth which would be required for the heavier, bigger, deeper vessels. Regarding the \$11 million to \$15 million, depending upon the timing of other initiatives, one of which might be the provision of a third river rail crossing—and that is why we have proposed paragraph (c)—it may be that work done, for argument's sake, on improving the present rail access would not be necessary. The \$11 million to \$15 million provides a quantum of land and services to the boundary.

Mr Foley: Who builds the facility?

The Hon. M.H. ARMITAGE: The person who ends up being the operator of the grain terminal. It is totally a non-government, non-taxpayer cost.

Mr FOLEY: If the CBH or AusBulk is part of the consortium that wins the tender, it will obviously discount its bid price to take account of the cost of construction.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: This is what I want to work through. AusBulk has a facility at Port Adelaide now.

The Hon. R.G. Kerin interjecting:

Mr FOLEY: Robert, you can laugh all you like but if—

The Hon. R.G. Kerin interjecting:

Mr FOLEY: No—

The ACTING CHAIRMAN: Will the member for Hart just ask his question: theatricals are not needed.

Mr FOLEY: Mr Chairman, I will ask the question when I see fit to ask the question. When I am prepared to ask the question, I will ask the question.

The ACTING CHAIRMAN: I am quite sure you will, but let us get back to the question.

Mr FOLEY: Thank you. My point is this: had the minister perhaps given the opposition the courtesy of walking us through these numbers in a private briefing, we might not have had to ask the questions here. It is the government's lack of readiness to debrief that is at issue. The minister is saying that the construction of the terminal itself will be paid for by

AusBulk, AWB and the Farmers Federation as a stand alone cost, quite separate from the sale process.

The Hon. M.H. ARMITAGE: That is exactly what I am saying and that is exactly what we have said all along. The taxpayer will contribute not one cent to the building of the infrastructure; the services such as electricity, water, and so on, will be provided to the boundary, just as in a standard development. Whoever the Grains Council and the Farmers Federation, and so on, determine will be the operator of the grain terminal, all the facilities inside the fence, the boundary of that land, will be provided by them.

Mr FOLEY: I am not quite sure why AusBulk was keen on that. As we know, AusBulk says one thing to one person and another thing to others. Who has done the costing of \$11 million to \$15 million? I am interested in trying to work through exactly how well that price has been estimated. These figures look a little rubbery. Who has done that estimation involving that \$11 million to \$15 million, and is the minister confident that the \$15 million is an absolute upper limit?

The Hon. M.H. ARMITAGE: It was a whole of government assessment and, to the best of the advice we can get, that was the cost, otherwise we would have identified a different cost.

Mr FOLEY: You have done an estimation in three weeks. How rubbery is that?

The Hon. M.H. ARMITAGE: Not at all.

Ms HURLEY: Something in the minister's answer concerned me greatly. He said that clause 11A(c) allows the government to do work on infrastructure associated with the ports such as rail bridges, roads, and so on. This agreement has been so rushed that we are really unclear about the services and facilities that might be required around the Port Adelaide area to offset the cost of moving the grain terminal to Outer Harbor. This measure allows the minister to spend whatever he likes of the sale/lease proceeds—presumably without justification or recourse to this parliament—in order to support an infrastructure which will be developed for private companies at Outer Harbor. Is that right?

The Hon. M.H. ARMITAGE: No, it is not right. It is public infrastructure. Importantly, the Deputy Leader seems to be missing a key feature in a lot of this, namely, in improving the port we actually improve South Australia's economy. It may be something that has just skipped through the Deputy Leader's assessment of the bill. However, in doing all these things, in providing services and facilities related to a port or infrastructure associated with a port to improve the facilities for export, we are able to increase our exports across the wharves, increase the state economy, job opportunities and so on. Whilst it may seem strange, the government has been focussing on just that for nine years.

Mr MEIER: I know that the amendment from the Deputy Leader and the member for Hart perhaps superseded my question, but I come back to the issue I raised earlier concerning my great joy at seeing money being provided for the first time ever towards upgrading and deepening our deep sea ports, in particular the two ports on Yorke—

Mr Foley interjecting:

Mr MEIER: Haven't you heard that the indenture agreement with BHP has been signed off now? That can be sold to AusBulk if they want to buy it.

Mr Foley interjecting:

Mr MEIER: You're always a step behind, member for Hart, and I feel sorry for you. However, can the minister give an indication of what sort of money is being made available

through the disposal of the assets for the upgrade of Port Giles and the partial upgrade of Wallaroo?

The Hon. M.H. ARMITAGE: A good deal of money has been spent already. It is believed the total will be somewhere between \$4 million and \$8 million, again, depending upon timing issues, such as the availability of major dredges, etc.

The committee divided on the amendments:

AYES (19)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K. (teller)
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Thompson, M. G.
White, P. L.	

NOES (24)

Armitage, M. H. (teller)	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.

PAIR(S)

Wright, M. J.	Wotton, D. C.
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Majority of 5 for the Noes.

Amendments thus negated; new clause inserted.

Clause 12.

The Hon. M.H. ARMITAGE: Although I almost regret having to do this, I move:

Page 10, line 5—Leave out 'Department of' and insert: 'Department for'.

There was a typographical error in the bill. In fact, it is the Department for Administrative and Information Services. Whilst I do not particularly like taking up the time of the House, this is an important amendment, because otherwise we will not know exactly which department we are talking about.

Amendment carried; clause as amended passed.

Clause 13.

Mr CLARKE: This clause refers to a memorandum of understanding that is defined in the bill as being a memorandum of understanding between the Maritime Union, the department and also, I think, the Maritime Officers Association, or whatever. Obviously, I take it that to have such a memorandum of understanding there is agreement between all the parties—those two unions and the government. Will that memorandum of understanding be tabled in this parliament so that it forms a part of the official record? It seems a little strange to pass a piece of legislation based on this memorandum of understanding when, in fact, that document is not public or does not form part of the public record so that we all know what it means. Certainly the parties may well know what the memorandum of understanding is, but anyone outside of those three parties would not. It seems appropriate that the memorandum of understanding should at least be

tabled so that any member of the public who may have an interest direct or indirect knows what that memorandum of understanding is. I would not mind knowing what it is myself.

The Hon. M.H. ARMITAGE: The member is correct in that it is a memorandum of understanding between the MUA, the AMOU and the government. I will have to take advice on whether it can be tabled at the moment. It is important to identify that it is an MOU, which will be reflected in the employee transfer order, and any employee transfer order will be part of the data room, etc., upon which the bidders will be making their future bids. It is certainly intended that it be a document at least as public as that. I will need to clarify with the other parties to the MOU that they have no problem with it, but it will not be a 'secret' document. It will certainly be available to bidders, for argument's sake.

Mr CLARKE: I thank the minister for his answer. When we pass legislation which is very important with respect to the individuals concerned, the memorandum (whether or not everyone is agreeable) ought to be public so that everyone, and not just the bidders, knows what it is. The taxpayers of South Australia have a right to know what is contained within it. I refer also to subclause (5). As I understand the memorandum of understanding generally, if the Ports Corp is sold, employees will be transferred to the corporation, to the Department of Administrative Services or, once they have been transferred to the Department of Administrative Services, they can be transferred to the purchaser of the Ports Corp under a sale/lease agreement and, if that takes place, certain things come into play in terms of payment. That is taken care of in subclause (4).

Subclause (5) worries me in that it says that a termination of employment with the corporation or DAIS under an employee transfer order does not constitute a redundancy or retrenchment. What impact does that have on an employee's entitlement vis-a-vis income tax? Ordinarily, following redundancy or retrenchment, a person is taxed at 5 per cent of the lump sum. If you are saying in subclause (5) that it is not a redundancy or retrenchment, the person who has to transfer from the government to the private sector and gets a pay-out will lose out on that taxation advantage. If that is not the case then subclause (5) in my view needs to be changed to ensure that those people are not disadvantaged.

The Hon. M.H. ARMITAGE: The member for Ross Smith, who is renowned for identifying the care with which I look after workers in legislation, will be delighted to know that that has been taken account of in this legislation. It is important that this measure be passed because of the tax advantage which, we are led to believe from the Australian Tax Office, will mean that under these circumstances the transfer payment will be tax free. That matter was specifically taken into account in drawing up this clause.

Clause passed.

Clauses 14 and 15 passed.

Clause 16.

Mr CONLON: I move:

Page 12, after line 10—Insert new subclause as follows:

(2a) A recreational access agreement is to be entered into with the view to preserving or enhancing access by the public to land and facilities.

My amendment attempts to create a mechanism to preserve access to jetties, wharves and other maritime assets that has previously been allowed to people such as recreational fishers. We have raised this matter previously. We believe that this amendment should be supported by the government.

Representatives of the government have spoken on this issue, and certain backbenchers have supported the intent of this amendment.

Ms HURLEY: I want to speak strongly in support of this amendment. As the member for Elder said, a number of government members have spoken in favour of the principles of this, and I addressed this matter in my second reading speech. In regional ports, the port area and the jetty are important community and tourist facilities. The Wallaroo jetty is a prime example of that. It is important that recreational access be set in concrete.

Clause 16, which seeks to address this issue, refers to a recreational access agreement made between the council and the purchaser of the ports. The recreational access agreement is binding and may be amended from time to time. However, it does not say that that recreational access agreement should ensure that either there is no less access for recreational users of those port facilities or that they are enhanced.

Inserting this clause in the legislation would strengthen the hand of councils and community people in ensuring that they continue to have access to the port area and the jetties where it is safe and appropriate. No-one is suggesting that recreational fishers should have access to a jetty at times when ships are berthed and clear safety issues are involved. We are saying that this is an important issue, and I suspect that the member for Goyder will support it.

This amendment strengthens the hand of councils to ensure that recreational access to these jetties is maintained. Recreational fishers of all ages and types derive a great deal of pleasure from using jetties as well as the country areas surrounding the ports. I am certain that fishers would be extremely upset if that recreational access were curtailed in any way that is not necessary.

The private port operators may find it expedient to insist on a more restricted access. It may be a nuisance for them to have to monitor what is going on in their ports, and it may be easier to throw up a fence around the whole port facility and not worry about it. I do not believe that the clause as it stands gives the council enough ability to draw up an agreement that seeks to preserve recreational access for the many thousands of people who use port facilities and jetties all year round and derive a great deal of pleasure out of it. In the case of Wallaroo, the town finds that it contributes heavily to tourism.

The Hon. M.H. ARMITAGE: I totally understand the sentiment expressed opposite, and that is why the government has been keen to negotiate recreational access agreements with the various councils. However, the situation is that access is available other than when there is a requirement that, for occupational health and safety reasons, for argument's sake, that might not be appropriate. I have identified that to the House before and I believe that the House is of that view. Accordingly, to include the words 'or enhancing' is likely to impinge on the facility of loading vessels.

Members interjecting:

The Hon. M.H. ARMITAGE: That is the case and, accordingly, we intend to vote against this clause. In so doing, I identify that we have signed recreational agreements with the councils of Ceduna, Copper Coast and Yorke Peninsula. Another is very close to signing and we are still negotiating with a fifth. So, the councils see no problem: they understand exactly that the recreational agreement will enable them to preserve their facilities and their access within the bounds of occupational health and safety.

As I say, they are still able to promote those facilities for tourism, for fishing, for general recreation and so on, but that access is preserved rather than enhanced. As I say, three have already signed and another is about to do so, so they do not see a problem.

Mr FOLEY: If it has not escaped members, I actually represent a port, and in that port we have the largest number of wharves and Ports Corp facilities from which people fish. The minister knows that I am one of his biggest supporters, although he has been testing me in recent weeks and he is testing me tonight, but he is simply not across his portfolio.

In the port of Adelaide there is an example where there has been tension between the access for fishers to the Outer Harbor wharves and the inner harbour wharves, but particularly the Outer Harbor wharves. I have been quite supportive of the way in which the Ports Corp has dealt with it. It would be fair to say that the Ports Corp, having to battle the commercial needs and interests of Outer Harbor and the inner harbour, has had to make some moves that have been unpopular in the electorate. Razor wire at Outer Harbor is probably about as unpopular as you can get.

Ms Key interjecting:

Mr FOLEY: No, in this instance it was the right thing to do. We made the decision as a community that we would export cars from Port Adelaide and Outer Harbor, and razor wire is a reasonable deterrent to the odd lout who comes down from the eastern suburbs to—

Members interjecting:

Mr FOLEY: They would not be vandals from the port or from the western suburbs, I am sure.

Mr Clarke: Too busy in the eastern suburbs.

Mr FOLEY: They certainly would not indulge in that. So I can understand why the Ports Corporation would want to put in razor wire and that sort of thing, to protect assets that people have invested in in terms of equipment and, indeed, the export of cars. Equally, a busy port is a very dangerous place and it would be irresponsible of any corporation not to bar people from wharves when ships are being loaded and off-loaded. I have no problem with that. But why I say not across your portfolio is that the Ports Corp was very innovative and clever in Outer Harbor in the way it said, 'People have fished here for years but we cannot have them working in an operating port so we will build a specially designated platform'—which the minister has obviously just been briefed on. That is a very clever move. Some young people in my community were part of the construction of it. We are going to have a dedicated platform off to one side that fishers can access, and that is enhancing the existing facilities.

An honourable member interjecting:

Mr FOLEY: It is. The spirit of the legislation would be that we should look at enhancing where possible. There is nothing inherently wrong with that, and I think you are being very petty and extremely—

An honourable member: Mean-spirited.

Mr FOLEY: Mean-spirited, as my colleague says, when you disagree. But, given the way that you have ensured that the people of Port Adelaide are going to have to put up with trains and trucks coming through their communities round-the-clock once or twice a month, why would it surprise me that you are mean-spirited about this? I must say that it is ironic from a member who wants to keep a road closed, Barton Road, so that he will not have the odd car going down his street and down streets near his house, but he is happy for people in Port Adelaide, twice a month, to have trains or trucks going past their doors every hour. I suppose that is

what happens when you have the numbers and we in opposition are not able to block it but, as I said, the electoral cycle turns.

I am saying that it is not unreasonable, but, minister, I put this to you, and I would ask you or your advisers to take it on board—and I do not have an amendment to this effect, for I do not see how one would word it. Some years ago I took issue with the port operators when they were looking to expand onto the North Haven Golf Course—a golf course which, I might add, is a very popular course and one at which I have played. It is a golf course that the minister, and probably the Acting Chairman of the committee, would find somewhat easy and would probably blitz.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: The Acting Chairman certainly would. But at that time there was clearly a conflict between the commercial—

The ACTING CHAIRMAN: Are you reflecting on the Chair?

Mr FOLEY: No, I am praising the chair. Trust me, Ingo, you would eat this course alive. I struggle a bit. But at the time we had a committee set up called the Outer Harbor Liaison Committee, which was a body that met infrequently, but enough times to give the local community some dialogue with the port operator, because there are many issues in relation to Outer Harbor that impact on residents of the North Haven marina area. It has worked well. There have been issues to do with sheep loading and other vessels that have come in from time to time that have caused problems for residents, and issues that have involved cutting down Norfolk pines or putting up fencing, or whatever. The committee has been a vehicle by which we can deal with community concerns. Obviously, under a private ownership arrangement this is not easy to do. I ask the minister whether one of his advisers could speak to me at a later stage to see whether, at the appropriate time, the new owner could be asked to continue that liaison approach with that committee.

The Hon. M.H. ARMITAGE: The member for Hart may be interested to know that there is now no public access, I am informed, to the in scope land, so all of his observations are irrelevant.

Mr CLARKE: My concern in relation to both the amendment and the clause is they do not seem to cover free access by the public to the land. It seems to me there is a general assumption on everyone's part that there should be public access to wharves so that people can fish, except in cases involving occupational health and safety considerations. The missing word in both the amendment and the bill is the word 'free'. The minister talks about local government coming into agreements. I do not trust the councils either, if they think there is a quid in it. I know the excuses they will come up with as to why they have to impose a fee. It will start off at 50¢ and progressively increase.

It is very important that the fishermen—and by that I also include women as well who fish, anglers, who include my daughter (I cannot go through all this politically correct terminology)—have free access. The word 'free' needs to be in both: that is, if we accept the amendment, 'with a view to preserving or enhancing free access by the public to land and facilities'; or, if the original bill was to stay in place, clause 16(1) should be amended and, after the word 'governing' in the third line, the word 'free' should be inserted so that it would read 'governing free access by the public to land and facilities' to make it absolutely crystal clear that, in any agreement any local government authority

has with whoever may purchase (by lease or by sale) the wharves, they cannot enter into some sweetheart little agreement whereby they can impose a charge on the public to have access to that part of the wharves that is not subject to occupational health and safety problems. Knowing local governments—not that I have a distaste for them, quite the reverse; I treat them the same as I would any government—I realise that, if there is an opportunity to put a tax on something, they will do it.

It is one of the few pleasures in life for the average working man and woman and their families to fish during the school holidays and so on and not get stung with a fee and it is a great thing for tourism. I know the councils would say, ‘We would never do it because it enhances tourism,’ but I also know any number of excuses local government will use (as governments, state or federal, will use) to say, ‘We think there ought to be bit of a charge to cover this or that sort of a cost.’ We should make it abundantly clear in the legislation that any agreement they enter into has to include free access by the public to those areas that do not cause a problem with occupational health and safety.

The Hon. M.H. ARMITAGE: I do not agree that the councils will try to charge. The reason I say that is that I have spoken with a number of these councils that have been quite vociferous in identifying what an advantage it would give them from a tourism perspective. Indeed, the first council to impose a charge would not only annoy its local residents but obviously it would also not benefit from the tourism dollar flowing into its community. However, in identifying that I do not distrust the councils to the extent that the member for Ross Smith does, I would identify that the recreational access agreements have an expectation that access will be free. I refer to one of the signed agreements which states:

Access to and use of the recreational access area by the public generally for the purposes of the permitted use is to be free of any charge or impost.

It is in the recreational agreement and I would contend that a council that then proceeds to charge even 50¢ would do so at its own peril and none of them would be stupid enough to do it.

Ms HURLEY: The minister is failing to address the fact that he might have current agreements with the councils and those agreements might be fine and they might preserve existing access, but we do not even have the new port operators yet and it will be them who will be looking at the agreements from now on, and councils also change from time to time. This clause allows amendments by agreement with a relevant council and the current occupiers of that land. It is entirely possible that a new port operator would be able to exert pressure on a relevant council to change that agreement to the detriment of members of the community and recreational fishers.

That is when we need to have something in the legislation that the councils can turn to and say, ‘Yes, we cannot diminish access by people to these port operators. We understand your concerns, we know you want to operate more cheaply and, if you cannot, you might have to leave, shut down the port, or part of the port.’ There are all sorts of levers by which a private port operator might be able to make a council change such an agreement. What we want is some comfort in the legislation to ensure proper access to port facilities.

The Hon. M.H. ARMITAGE: There seems to be a degree of schizophrenia coming from the arguments opposite. Five minutes ago I was being accused of not providing

appropriate access because the councils were absolutely hot to trot and demanding recreational access and I the minister of this economic rationalist government was going to stand in their way and not allow them to provide this access which they were so desperately keen to provide. That was five minutes ago. What the deputy leader just said was, ‘If we give the councils this opportunity, who knows what they’ll do? Within five minutes they’ll be diminishing the access’. You simply cannot—

Ms Hurley interjecting:

The Hon. M.H. ARMITAGE: No, with respect, the deputy leader did not say that; the deputy leader said that it has to be done by agreement with the councils, and councils change and, ‘Who knows what new councils might do?’ That is what the deputy leader said, not what I said. The point that I make is this: for the deputy leader, much as she might try, to have 50 cents on one argument at 8.55 p.m. and then 50 cents on the exact perverse argument at 9 o’clock, it does not work.

However, I think at the end of the day we are perhaps wasting the time of the committee on a matter on which we agree, and I am comfortable in identifying to the deputy leader and anyone else that between here and another place I shall certainly look at the government’s being able to support the amendment as moved by the deputy leader without the words ‘or enhancing’ in there. We have no desire not to preserve the access but, as I identified, the access is there other than when it is inappropriate for occupational health—

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: Well, if that is the case I believe you will agree with my offer to remove the words ‘or enhancing’ between here and another place.

Mr CONLON: It is 9 o’clock and the minister may be getting tired but he is labouring under somewhat of a misapprehension, and his last comments I think illustrate the misunderstanding under which he labours. Quite apart from the wording that the recreational access agreement is to be ‘entered into with a view to’ (which I would have thought was not particularly binding), the words ‘preserving or enhancing’ are disjunctive. It does not say ‘preserving and enhancing’: it says ‘preserving or enhancing’.

If you were to accept the amendment merely with the word ‘preserving’ it would be a suggestion in legislation that an agreement should not improve upon access. It will actually be a suggestion that none of the agreements should ever allow an improvement on access. As it stands at present and says ‘preserving or enhancing’, it allows a choice. That, minister, is what it all means and would not mean you have to do both. All it means is that you can do one or the other. I suggest that the minister think about that for a moment. We do not believe there is anything objectionable about setting out in the legislation the purpose of the agreements. I would have thought, at a minimum, that preserving the sorts of access there are at present should be a target.

Should a private operator in the future be able to provide better access—because it does seem to be somewhat a doctrine of this government that the private sector can do things better, otherwise they would not have sold out from under us everything we own—he or she should be allowed to do that. That is why I suggest to the minister that there is nothing at all frightening about agreements that preserve current access, nor should there be anything to prevent a private operator from improving on it. This does not dictate that when an agreement is made it enhances it and it must

also improve it; it merely says that you can do that as well if you choose to. When the minister considers the agreement between the House and the other place perhaps he could think about that.

Mr MEIER: I am pleased that this clause is in the bill and I want to compliment the minister for formally announcing our policy in January this year at Wallaroo. Members will recall that he was asked a question about this some time ago. We had a fishing competition—

Ms Hurley: We raised it as an issue and that is why the question was asked.

Mr MEIER: It was well before that. We had a fishing competition that night between the press and the minister's department. I was on the side of the department and, unfortunately, we lost. It was a very cold night, the fish were not plentiful and I did not catch a thing. However, I suppose I had an enjoyable night, if one likes being on a wharf at about 12 p.m. or 1 a.m.

The point is our policy was made very clear at that time, and I am delighted that my electorate was chosen as the place to release the policy for guaranteed access to the wharves. Wallaroo has been in the forefront of wanting to guarantee recreational access, and members who visit Wallaroo will appreciate that there is now a separate walkway for which I will take partial credit even though, at the time, I was abused for having created such a walkway. It works very well particularly when the rock phosphate ships are docked and the wharf has to be cut off at the other end. At least trucks can go up and down and the fishers can go out to the small wharf at the same time.

An honourable member interjecting:

Mr MEIER: As the member opposite says, guaranteed access is provided 24 hours a day, which helps Wallaroo. I am very pleased to see this, and I note that a recreational access agreement has been signed by the district councils of Copper Coast and York Peninsula with Wallaroo and Port Giles respectively to ensure that access is guaranteed for recreational fishers to the commercial wharves at both Wallaroo and Port Giles. The concerns raised two or three years ago have been addressed in this agreement and it has my full support because Port Giles and Wallaroo are very popular tourist attractions throughout the year, both winter and summer. Friends of mine from outside the area reckon the fishing is just great on Yorke Peninsula and I can only agree with them. It is very pleasing that this is not only a commitment from the minister but that it is also guaranteed in legislation—it is L.A.W., or it will be shortly.

Mr CLARKE: I heard the minister's response to my question earlier, and I indicate that, depending on whether the amendment moved by the deputy or that of the minister gets up, I will move to insert the word 'free' so that there will be free access. Whilst the minister read out to the committee the terms of a recreational access agreement, which may sound all very well with respect to 'free' use, I know for a fact that a number of councils, including the District Council of the Copper Coast, at this point in time, want to maintain free access to the wharves because of tourism. I therefore move:

Page 12, line 6, to insert the words 'free of charge' after the word 'access'.

As the minister rightly pointed out in one of his answers, councils come and councils go, and people who sit on those councils will have different views at any particular period of time. I do not know, minister—and you may be able to enlighten me—whether these recreational access agreements,

once they have been entered into, are there for eternity or are subject to a maximum of a six-month period or a five-year period, whatever the case may be. I do not know whether there is a minimum period of time for which these access agreements are entered into; so they can be changed depending on the complexion of the relevant district council.

So, if we are all agreed, in terms of 'preserve' 'enhance', or whatever else, that there should be free public access, then we ought to spell it out in the legislation, not in a recreational access agreement, which is subject to change over time, depending on the colour or make-up of the local council. The owner who enters into the agreement may sell their interest in the wharves at some time, so presumably the recreational access agreement would come up for grabs or renegotiation at some future time. Let us enshrine it in the legislation. If that is what we mean about free public access, let us stick it in the legislation so that no council can be tempted to do other than that. My family has had a long involvement with Wallaroo since 1850. As the member for Goyder knows, my family originates from there. We regularly return to Wallaroo to enjoy the fishing in that area, and I want to make sure that free public access is maintained.

The Hon. M.H. ARMITAGE: I reiterate that the government has never had any intention that it would be anything other than free, which is why it went into the recreational access agreements. Perhaps we are more trusting than the member for Ross Smith, and we believe that the local councils would not do that. If the member for Ross Smith would like to look at clause 16(1), if he does not bring it up in writing here between now and the legislation being debated in the other place, I will be happy to have moved in another place (if I cannot do it now) that the minister will, as a condition of entering into a sale/lease agreement with a particular purchaser, require the purchaser to enter into a recreational access agreement governing access free of charge by the public to land and facilities which a sale/lease amendment requires. We have no problem with that. We have never had an intention of doing otherwise; it was just the instrument by which we wanted to ensure that it occurred.

Mr De LAINE: I would like to ask the minister a question about a specific matter that was possibly covered by what the minister has already said. I go back some years ago when the Ports Corporation briefed me about the taking over of the northern wharf at Outer Harbor for the use of motor vehicle exports. They showed me a map of the area and what they intended to do to fence it off, and I asked, 'What about the public boat ramp on that northern end?' This was under a previous government. They said, 'Bad luck; they won't have access.' I objected to that and asked them to reconsider, and they went away and did so. They looked at other alternatives for relocating the boat ramp but, because of tidal movements and wind directions, they said it was not feasible and that it had to be there. After pressure from me and some to-ing and fro-ing, they agreed to fence off and maintain public access to that boat ramp. At the time that government was obviously prepared to do away with public access to that boat ramp. Will the minister guarantee that that public boat ramp will be kept there? Who will maintain it, and will it be free for use by boat users?

The Hon. M.H. ARMITAGE: I know exactly the area to which the honourable member refers, because many years ago I used to be a sea scout and there is a little sea scout area near there.

Members interjecting:

The Hon. M.H. ARMITAGE: 'Trusty, loyal, helpful; Brotherly, courteous, kind; Obedient, smiling and thrifty; And pure as the rustling wind.' Isn't it pathetic? You should see me do a reef knot.

Members interjecting:

The Hon. M.H. ARMITAGE: I can, actually. A reef knot I can do; some of the others I am not so good on. Back to slightly less frivolous matters: the boat ramp is actually out of scope. It is not in scope. The area which we would be leasing does not include that area. I am told that at the moment it is in the purview of Ports Corp but it will become Transport SA. There are no plans to alter that public access, etc. I reiterate that the lease of Ports Corp will have no effect on that as it is specifically out of scope.

Mr Clarke's amendment carried.

The Hon. M.H. ARMITAGE: In relation to the deputy leader's amendment, as I identified in previous debate, I will need to look at the effect of this amendment and take advice on it. I would be intending to ask the government to vote against it tonight, but I identify that, if the advice is that it will not lead to occupational health and safety problems, I will be happy to have it moved in another place.

The ACTING CHAIRMAN: I understand that we need to deal with it here.

The Hon. M.H. ARMITAGE: I understand that. We are voting against it today. If we win, it does not mean that it is out forever.

The committee divided on Mr Conlon's amendment:

AYES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F. (teller)
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	Rankine, J. M.
Rann, M. D.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Wright, M. J.	

NOES (23)

Armitage, M. H. (teller)	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	t.) Maywald, K. A.
McEwen, R. J.	Meier, E. J.
Olsen, J. W.	Oswald, J. K. G.
Penfold, E. M.	Scalzi, G.
Such, R. B.	Venning, I. H.
Williams, M. R.	

PAIR(S)

White, P. L.	Wotton, D. C.
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Majority of 2 for the Noes.

Amendment thus negated; clause as amended passed.
Clause 17.

Mr CONLON: I move:

Page 12, after line 22—Insert new paragraph as follows:

- (c) the South Australian Recreational fishing Advisory Council Inc.;
- (d) a person specified or a person of a class specified by regulation.

The intent of the clause is to give some teeth to recreational access agreements as envisaged by the previous clause by allowing them to be enforced by interested persons in the Supreme Court. The shortcoming in the bill at present is that the people who would be classified as interested persons and, therefore, allowed to make application for enforcement are councils in the area and the occupiers of land. The obvious shortcoming is the people excluded from making an application as interested persons are those with an interest, that is, those who would seek access to the former maritime assets to fish.

Our amendment proposes that the South Australian Recreational Fishing Advisory Council should be an interested body. I cannot imagine what fear there would be associated with that. I cannot imagine that the South Australian Recreational Fishing Advisory Council would be interested in seeking an order to enforce unless there was some breach and access was not being allowed pursuant to the agreement. The other provision we would seek relates to a person of a class specified by regulation. Again, the minister does not have to make a regulation unless he or his government decides to: it is hardly a fearsome thing. However, it seems to us that if you were serious about recreational access agreements being created with the force of law via statute there should be some ability to enforce an agreement other than some strange notion or contract between the parties.

In fact, one shortcoming in the current bill is that it offers really no more than would the contractual liabilities of the parties to the agreement, that being local councils and the occupiers of the land. I am sure, however, that the minister, in his (I cannot say that in here) usually cautious mind, will not like this, but all that we are seeking to do is to ensure that those with a genuine interest in an access agreement can enforce it. I really do not understand why the minister should resist that.

The Hon. M.H. ARMITAGE: The government does not support the amendment, not for any reason of caution, but because, in the first instance, the council mentioned in (c) and the person specified in (d) are not party to the agreement; they are in no way accountable for any part of the agreement, but we believe that if they have a grievance with the agreement they can quite easily go to the council which, after all, is a representative of the local people and put that grievance to a party who is both accountable and a party to the agreement.

Mr CONLON: It is not surprising that this government should be some 30 years behind the time in developments in Australia, but one development we have seen in Australia in legal cases is standing being given to interested parties who are not actual parties to a dispute as such, or parties to an agreement. That has been one of the expanses in our legal system in matters of administrative law for years. I know that my friend, the member for Mitchell, would probably be able to tell me when the Conservation Council was first given standing by the High Court in a dispute, but I imagine it was as far back as the 1970s.

Again, if the only people who can enforce the agreements are the parties to the agreement you probably do not need a clause in the bill—I would have thought that they have arrived at some sort of enforceable agreement between themselves. The primary interest that I would have thought the recreational access agreement seeks to protect is the interest of the public in accessing the wharves and jetties for recreational purposes. The people not mentioned as interested persons in the bill are members of the public who would seek

to access the wharves and jetties for recreational purposes. I find it puzzling that a clause in a bill would be created to protect those people but deny them any ability to enforce it.

The Hon. M.H. ARMITAGE: I reiterate that I am fully aware that there are parties to agreements: that is recognised. However, in this instance where, as the member for Ross Smith identified, there may in fact be financial calls on the council to provide whatever it may be—better facilities or improved X, Y or Z—I think that it is unreasonable to have a body that has not a single piece of financial skin in the deal to be an interested party.

However, as I have identified, I believe that, if the people have an interest in something or other to do with a particular agreement, there can be no harm in those people taking up the matter with either the occupier of the land to which the agreement relates or the council for the area in which the land to which the agreement relates is situated—in other words, the people identified in clause 17(2) as interested persons—because they are the ones who will be funding, if you like, any changes or alterations which may occur as a result of input. The various bodies that the member for Elder has identified are not exclusive in this; there may be many other people who would choose to be interested persons and, accordingly, I think that it is appropriate that it remain at the interested persons as identified in (2)(a) and (b).

Mr CONLON: If I do not understand this, the Minister can correct me. Say a council has a recreational access agreement with the owner of land which is along, for example, a grain jetty, and the agreement states that when ships are not at the jetty the gates will be open and there will be free and open access to anglers; and say anglers persistently turn up at the jetty, it is persistently locked when there is no ship in port, and they go to their council and make a complaint, and representatives of the council say that they have rung up the owner and they have said that they will not do it again, and the council is not interested in taking an application to the Supreme Court. Should they have no remedy? There is an old maxim at law: there is no right without a remedy. Why should they have no remedy?

The Hon. M.H. ARMITAGE: If that did occur, there are dispute mechanisms that would be operative; there are arbitrators, and so on. But the situation that the member for Elder is painting is at complete odds with what the member for Ross Smith identified is the interest of local councils—to provide access—and, indeed, is at complete odds with one of the arguments advanced earlier from a member on the opposition side that it is very much in councils' interests to promote access. That is certainly the situation at the moment: they are very keen for that to occur. If there was an example of the new owner locking the access to, for argument's sake, Wallaroo (given that that is the example that has been used by several members on both sides of the chamber), and tourist access to fishing was prevented, the council would be immediately active in ensuring that access was provided.

Mr McEWEN: I am somewhat attracted to the amendments that we are debating. I am not convinced that the council will always have the same interests at heart as would recreational fishers. I can see in some scenarios that councils would not wish to encourage recreational fishers from beyond their boundaries to have the type of access that we are describing.

The Hon. M.H. Armitage interjecting:

Mr McEWEN: The minister asks 'What?' Councils sometimes find it an onerous responsibility to follow up on such complaints. They are not people who have any elected

interest in the council or who are paying any rates, or whatever. I cannot see why you would not want, under circumstances such as that, to simply have another mechanism whereby appeals can be made if access is being denied.

I think that a most appropriate body—a body that the government uses in many other capacities—is SAFIC. The government put that body in place to champion the causes of recreational fishers (sometimes against huge odds, I might add, from the professional side) and, notwithstanding that the government has given it that responsibility, it now seems to want to deny it that opportunity as an interested person, when in every other way the government has indicated that it is an interested person.

The Hon. M.H. ARMITAGE: I am missing something in the argument put by the member for Gordon in that, as I have gone around the state and spoken to councils that have the possible recreational access facilities, the very last thing they have been saying to me is, 'We do not want people from other areas of South Australia, Australia or indeed the world coming to our council area.' It has been the complete reverse. Certainly that is the attitude of the delis, the fish and chip shop owners, the motel, hotel and restaurant owners, the service station staff, and so on. They are desperate to get people coming from other parts of the country into their area for tourism purposes.

For the member for Gordon to say that members of councils do not want people from other areas coming into their council area, and that they find it onerous to chase up complaints such that tourism might be jeopardised in their community, is something that I would ask him to expand on, because it flies in the face of everything I have been told by all councils that have spoken to me about recreational fishing access agreements, particularly those that have already signed these agreements because they are so keen to have guaranteed recreational access to their facilities. At no stage have they been wanting to sign recreational access agreements which have in any way limited access. They are extraordinarily keen to ensure that the best possible facilities are there for tourists and for their own locals.

Mr McEWEN: Yes, with all such councils this amendment would pose no problem. I see no fear in this amendment in the eyes of the councils that the minister has just described. I did not argue earlier, as the minister suggested, that there would be councils that would; I said that some councils may not be so enlightened. If there are councils that may not be so enlightened, at least SARFAC has a mechanism to say, 'Hold on, we are not too happy here about denial of access rights.' I cannot see that it poses any problems for the enlightened councils that the minister has just described and may never be triggered, but it is here to my mind as a safety valve when a council chooses not to act as the minister wishes. I cannot see any down side at all—it is just a safety valve.

The Hon. M.H. ARMITAGE: I cannot accept what the member for Gordon is saying in reality. I accept what he is saying and do not dispute it, but it flies completely in the face of reality. We have heard the members for Ross Smith and Elder and the Deputy Leader of the Opposition all say that it is extremely important for local councils to be able to promote recreational access to jetties.

Mr Conlon interjecting:

The Hon. M.H. ARMITAGE: The member for Elder was one of the most vociferous in saying that we must have free access, as the member for Ross Smith moved and as has been accepted. It is a given that these councils are saying,

'We want more people coming in.' To then move an amendment that sees two groups of people, who are not party to an agreement and who are not accountable to anyone for anything in relation to this, inserted as interested persons with the power of taking this to the Supreme Court with all the inherent costs, and so on, on the basis that councils might say, 'Oops, no, we don't want access,' flies in the face of reality. I am a realist. If the member for Gordon feels strongly about this, I understand that the government's position will not pass the House. However, it is the government's view that the amendment ought to be negated for the reasons we have discussed.

Mr CLARKE: I support the comments of the member for Gordon and the member for Elder for the reasons that they have stated. As all members know, there are times when councils—not because of ill-will or anything of that nature but generally in the conduct of business—will come to a commercial decision. It may be at the end of the main part of the tourist season and there are half a dozen aggrieved anglers. One of the council's main ratepayers, a private port owner, says, 'I'm going to close off access because it suits my mode of operation at this point in time.' The council would take what it sees as a pragmatic attitude and say, 'The agreement is technically breached, but what should we do? Should we go to the Supreme Court and pay the costs that are involved or should we cop it sweet and tell those half a dozen anglers that they will just have to put up with it?'

If it was the height of the fishing and tourist season in the local area and some sort of a restriction was placed on public access, there would probably be enough of an outcry. We are playing a bit of Russian roulette. We know that in government departments when there are breaches of the law, whether it be occupational health and safety or awards, it is hard enough to get the relevant department to launch a prosecution because the people who make those decisions say whether, in their opinion, it is a gross breach or it is worth the cost, time and effort of putting together the paperwork and going to the court and seeking a prosecution when they are not 100 per cent certain that they would be successful. It might be only a 50/50 or a 60/40 proposition and it would not be so grave as to warrant their intervention. Local government is no different.

The only other point I raise with the mover, in a sense, of the amendment and also the minister is that in this legislation we refer these matters to the Supreme Court. I think that is a hell of a jump. I favour the Magistrates Court. It is far cheaper for disputing parties, whether it be the council or the port owners—or the anglers, if the member for Elder's amendment gets up—to have the dispute resolved in a lower court with less cost. It would mean that anglers who felt aggrieved, if they felt their rights had been trampled on, would feel confident about going to the Magistrates Court rather than the Supreme Court.

The Supreme Court has all the trappings attached to it: the robes, the regalia and not to mention the heightened costs, the substantially increased filing fees and all the rest of it. There are provisions which allow the Magistrates Court to deal with a whole raft of incidents involving common assault and larceny. We have just passed a prostitution bill which allows you to get rid of a brothel that is causing a nuisance by going to the Magistrates Court. You are not forced to go to the Supreme Court. To deal with a whole range of things in this state, we go to the Magistrates Court because it is a quick, easy and cheap remedy compared with the Supreme Court. I am sure that the Supreme Court does not want to be clogged

with actions that might, in a sense, be of no great moment except to the people who are immediately aggrieved by the problem.

If it is a matter of such importance, it will find its way to the Supreme Court through the normal process of winnowing out those applications made to it that deserve the attention of the Supreme Court. It seems to me that we should accept the member for Elder's amendment, which is eminently sensible, to increase the range of interested persons so that we do not just leave it up to some bureaucrat in the local council office to say, 'It ain't worth our time, and the half dozen who are whingeing don't live or pay rates in my area, even though they may be regular tourists to the area.' In many instances they might just be itinerant tourists and they will be totally disregarded.

The Hon. R.B. Such interjecting:

Mr CLARKE: Yes, they probably could join the Liberal Party and join the Kingston branch. I would be interested to know the view of the minister and any other member, but I believe that we should get rid of the Supreme Court as the first point of access for resolving these disputes. As I said before, if the Magistrates Court is good enough to deal with a whole raft of issues such as assault, larceny and a range of other things, it ought to be, at least in the first instance, able to deal with issues of disagreement as to the recreational access agreements.

I would not anticipate there being a lot of them, because if the owner or lessor of the ports recognise that, if they play fast and loose with that agreement, they can be held to account by a broader range of interested persons who can obtain a cheap and quick remedy through the Magistrates Court, they will abide by the agreement far more readily than if they know that most people will be put off from seeking to enforce any rights because in the first instance they have to go to the Supreme Court and risk all those costs.

The Hon. M.H. ARMITAGE: There are a number of matters, which I will address very briefly. First, the Supreme Court is the last resort rather than the first, in that in the recreational agreement, if there is a dispute between the owner and the council, there is a dispute resolution process, an arbitrator appointed, etc., and the Supreme Court would come in only after that had occurred.

The member for Ross Smith talked about the huge expense to councils, etc., of going to the Supreme Court. Of course, by making every person with a fishing rod an interested person—

Mr Conlon interjecting:

The Hon. M.H. ARMITAGE: Yes, it does. If you put in a person specified or a person of a class specified by regulation, if you put that in the hands of the itinerant tourist, who knows how often these will end up at some form of dispute, whether it be at the arbitrated stage or at the Supreme Court. The point that I make is that that is actually negating what I would contend is the responsibility of the council to represent those people as a party to the agreement. However, as I said, I am a realist in all this.

For the member for Ross Smith to say that at the end of the tourist season a council would not be interested in providing recreational fishing access indicates that he is not actually an angler, because winter is actually the very best time for fishing and the time when recreational fishing access is most sought by tourists using the access specifically for fishing.

Mr CLARKE: In rejecting my contention that the Magistrates Court should be the port of call rather than the

Supreme Court, the minister refers to arbitration and so on that would be part of the recreational access agreement. As I read clause 16, there is no requirement for a dispute resolution mechanism in any such agreement. It only says that it has to be publicly accessible, it is binding on the occupiers of the land and the council, and passed as a result of the amendment that the government agreed to, with free of charge access by the public to the land and facilities. So in terms of there having to be a cheap, inexpensive dispute resolution procedure within the agreement, there is no requirement in the act for that to exist. It may or may not exist, depending on whether the parties want that in the agreement at all. Again, I therefore think the Magistrates Court is far preferable to the Supreme Court.

The Hon. M.H. ARMITAGE: I would merely identify that all the agreements that have been signed have a dispute resolution clause in them as a template agreement.

Amendment carried; clause as amended passed.

Progress reported: committee to sit again.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

ROAD TRAFFIC (ALCOHOL INTERLOCK SCHEME) AMENDMENT BILL

Received from the Legislative Council and read a first time.

SOUTH AUSTRALIAN PORTS (DISPOSAL OF MARITIME ASSETS) BILL

In committee.

Clause 18 passed.

New clauses 18A-18F.

The Hon. M.H. ARMITAGE: I move to insert the following new clauses:

PART 6A

THE PORT ADELAIDE CONTAINER TERMINAL MONITORING PANEL

Port Adelaide Container Terminal Monitoring Panel

18A. A panel entitled the Port Adelaide Container Terminal Monitoring Panel is established.

Membership of panel

18B. (1) The members of the panel are to be appointed by the Minister.

(2) The panel is to consist of—

- (a) a nominee of the Corporation; and
- (b) a nominee of Sea-Land (Australia) Terminals Pty Ltd; and
- (c) a nominee of the Australian Chamber of Shipping; and
- (d) a person who is in the opinion of the Minister a suitable person to represent the interests of shipping lines that use Port Adelaide but are not represented on the Australian Chamber of Shipping; and
- (e) a nominee of the South Australian Road Transport Association; and
- (f) a nominee of the Customs Brokers Council of Australia or the Australian Freight Forwarders Association; and
- (g) a nominee of the Importers Association of South Australia; and
- (h) a nominee of the Exporters Association of South Australia; and
- (i) a nominee of Business SA; and
- (j) a nominee of the Australian Customs Service; and

(k) a nominee of the Australian Quarantine and Inspection Service; and

(l) a nominee of the Maritime Union of Australia (who must be a person who works at the Port Adelaide container terminal); and

(m) a nominee of the Maritime Officers Union of Australia (who must be a person who works at the Port Adelaide container terminal).

(3) A member is, subject to subsection (4), to be appointed for a term (at least 2 years) stated in the instrument of the member's appointment.

(4) A member appointed under subsection (2)(d) is to be appointed for a term, and on a basis, determined by the Minister that will allow for rotation between nominees of the various shipping lines that use Port Adelaide but are not members of the Australian Chamber of Shipping.

(5) A member of the panel may appoint an alternate member to act as a member of the panel when the member is unavailable to attend a meeting of the panel and, while so acting, the alternate member is to be regarded as a member of the panel.

Procedure of the panel

18C. (1) The member appointed on the nomination of the Corporation (or an alternate member acting for that member) is to chair meetings of the panel.

(2) A quorum of the panel consists of—

(a) the nominee of the Corporation (or the relevant alternate member); and

(b) the nominee of Sea-Land (Australia) Terminals Pty Ltd (or the relevant alternate member); and

(c) three other members.

(3) A decision carried by a majority of the votes cast by the members present at a meeting of the panel is a decision of the panel.

(4) Each member of the panel is entitled to one vote on a question arising for decision by the panel.

Exception—

The following members (and their alternates) are not entitled to vote—

(a) the nominee of the Corporation; and

(b) the nominee of Sea-Land (Australia) Terminals Pty Ltd; and

(c) the nominee of the Maritime Union of Australia; and

(d) the nominee of the Maritime Officers Union of Australia.

Performance objectives and criteria

18D. (1) The panel must establish performance objectives and performance criteria for the Port Adelaide container terminal.

(2) The performance criteria must be capable of objective measurement.

(3) The panel must notify the operator of the Port Adelaide container terminal of performance objectives and criteria established under this section.

(4) The panel may from time to time revise performance objectives and performance criteria for the Port Adelaide container terminal.

(5) Revised performance objectives or criteria do not take effect until a date fixed by the panel which must be at least 3 months after the panel gives the operator notice of the proposed new performance objectives or criteria.

Obligation to report

18E. (1) The operator of the Port Adelaide container terminal must report to the panel within 1 month after the end of each quarter.

(2) The report must contain the information required by the panel to assess compliance with the performance objectives and performance criteria.

Notice of breach

18F. (1) If the operator fails to meet performance criteria for a particular quarter, the panel may issue a notice of non-performance.

(2) If the panel issues notices of non-performance in relation to 2 successive quarters, the operator's rights to possession and control of the Port Adelaide container terminal are liable to termination.

I identify that the purpose of the Port Adelaide Container Terminal Monitoring Panel is to have an external body which is able to be a watchdog, if you like, over the competitive processes of the container terminal. This is a condition which has, after negotiation with Sea-Land, been agreed and, in

doing so, I put to them that it was clearly in South Australia's interests for the container port to maintain its position as Australia's most efficient port. I also put to them the position that that was not enough, that it should aim to be the world's most efficient port, both sentiments with which they agreed when I stated it.

I am confident that the container terminal monitoring panel will not have any difficulty in assessing the Sea-Land performance as being at that level because, quite clearly, it has identified that it is in its commercial interests to be at that level and, whilst I am a realist and believe that it is great for South Australia that that is the case, their interest is their own commercial interest and they have identified that being at world's best practice is what they will strive to achieve.

Mr FOLEY: Even though we are not opposing it, I still want to make a contribution. The hypocrisy of this minister is breathtaking, and indeed the backflip that the minister has done on Sea-Land is extraordinary. When the minister first came to the opposition and went public with the sale of the Ports Corporation, he was very determined to ensure that Sea-Land was simply cast aside; that the efforts put forward by Sea-Land in recent years would not be acknowledged and recognised by the government; and that we would have competition and we would have another container terminal. We would have Sea-Land, a greenfield site, a new terminal operator. This minister was intent to ensure that competition would mean that all the efforts of Sea-Land were simply ignored and put aside.

The cynic in me would say that it was part of a conservative government's agenda to punish Sea-Land and to get back at Sea-Land for being the one port operator in Australia that did not kowtow to Peter 'Phone Card' Reith, that great reformer and great national leader of industrial and waterfront reform, whose child, as the federal parliament has acknowledged, enjoyed the use of his phone card. However, we on this side of the House, and I think many others, thought that Sea-Land would be getting some punishment from a conservative government.

We well remember during the wharf dispute, the disgraceful period in Australian waterfront relations with government—the balaclavas and Alsatian dogs—this government and in particular this minister's reaction to Sea-Land. He was nowhere to be seen. He did not stand with Sea-Land. He was critical in some of his comments of Sea-Land and was playing to the national agenda of his federal party in making life, where he could, uncomfortable for Sea-Land. Of course, since that dispute we have seen a levy on container movements which has been a punitive cost to Sea-Land. That has had an adverse impact on its business, but does this minister care about that? No. Indeed, the minister was clearly not a supporter of Sea-Land, never has been and I suspect never will be.

When the decision to sell the Ports Corp was made by his cabinet he had no problem in trying to shaft Sea-Land. If we look at the history of Sea-Land, we see that it is quite simple. We used to have a port operator in South Australia. The then Labor government, together with the shipping users group at the time from the business chamber, decided that we had to get rid of P&O because it was simply not performing to the standard necessary to make us a viable port.

Mr Chairman, as you would recall, it was a hard decision and it cost the government quite a bit of money to buy out the contract. Sea-Land went on to become the most efficient port in Adelaide. It reached many of the benchmarks put forward

by the national government for lifts and was clearly a viable operator in the port of Adelaide.

Certainly, from the opposition's point of view, we have never been of the view that Sea-Land should have access to that port forever and not be put under any competitive pressure: clearly it had to be. The modern economy would dictate that you cannot allow monopoly situations to continue; or, if they are to continue, there must be some degree of competitive pressure.

I recall meeting with the minister and talking this issue through, and I recall making the suggestion that surely we could extend Sea-Land's lease at Port Adelaide (particularly given that it still had three or four years to run) unless we wanted it to wind down its operation here in Adelaide and not reinvest in the port of Adelaide. So, we had to come to some accommodation. So, why not look at some kind of target; that it have a bit of a free run to a certain target if the containers reach a certain level, and that could then be the trigger for competition to come in. Anyone could tell you that the throughput of containers in Port Adelaide was not sufficient to sustain two viable operations. If we wanted two non viable operations that simply did not produce best practice, then maybe we would entertain that idea. That would not have been in the state's best interests.

The best interests of the state is to have a viable, dynamic, efficient, world's best practice port operator in Sea-Land and, if we can get throughput up and there is sufficient throughput of the port to warrant two operators, let us open it up and bring in a second operator and subject Sea-Land to competition. However, it simply could not be done in the way prescribed in the minister's original bill and, finally, he was brought to the table. We know why the minister was brought to the table on this one, and we know how he was brought to the table. We do not have to acknowledge that publicly, but we do know the pressures that he was put under to ensure that commonsense finally prevailed on this issue.

Having said that—I am just giving the minister what I think is just criticism for his position—I want to make some comments about the processes that were put in place. I understand the principle of what he is trying to achieve in respect of an independent watchdog but, I have to say, it is a bit of a doozey. The committee that will be appointed—a panel appointed by the minister to oversee the competitive performance of the port—is honestly an endless list of people. We have a nominee of the corporation; a nominee of Sea-Land; a nominee of the Australian Chamber of Shipping; a person who, in the opinion of the minister, is a suitable person to represent the interests of shipping lines; a nominee of the Road Transport Association; a nominee of the Custom Brokers Council; a nominee of the Australian Freight Forwarders Association; a nominee of the Importers Association; a nominee of the Exporters Association; a nominee of Business SA; a nominee of the Australian Customs Service; a nominee of the Australian Quarantine and Inspection Service; a nominee of the Maritime Union; a nominee of the Maritime Officers Union of Australia—it just goes on. It is a very large committee and, of course, four of its members do not have voting rights.

As I have said, I am not trying to be too pedantic, but if this is what the government wants then this is what it will get. Obviously, there are people with an interest in the port and the activities associated with it, but I am not certain that it is the most effective way of assessing the matter. Why not simply have an agreed position between the government and Sea-Land with Sea-Land reporting to the government?

An honourable member interjecting:

Mr FOLEY: Shake your head guys, that is fine. I have brought you this far on this issue; it is not bad to have an account of you. I say that for a very important reason. I would not have thought that setting benchmarks was an overly difficult thing for the government to do. If it wants to have its advisory panel, and if it wants an independent review of that, that is fine. The way I read this amendment, if this review panel does not believe that the objectives are being met by Sea-Land—or, I assume, any operator of the port—after two reporting periods it can terminate the agreement without any reference to the government of the day. Will the minister confirm that this is the case?

The Hon. M.H. ARMITAGE: It is the case because they will have the contract with the container terminal operator.

Mr FOLEY: Is the minister saying that the contract will be between the private operator of the port and Sea-Land and this panel will be the adjudicator, so there will be no government involvement whatsoever—it will be divorced, removed and out of the equation?

The Hon. M.H. ARMITAGE: That was the position that Sea-Land and the government agreed to.

Mr FOLEY: As I have said, I am supporting this. If this is what the government wants, this is what it will get. I am just at a loss to understand why the government does not want a role in the process, given the dynamic nature of this industry. If there is a dispute, who is the arbitrator? Ultimately, if the panel says that on its criteria it has assessed that Sea-Land has not performed and terminates the agreement, it is a worrying development that the government of the day will have no ability whatsoever to have a view on this. Given that we have not been briefed on this and are reading it for the first time, it appears to me to be a little dangerous in terms of the possible effect on the state.

The Hon. M.H. ARMITAGE: There is a circuitous argument in what the member for Hart has said. The whole purpose of having a large panel—with which he disagrees, and I ask him rhetorically which member would he not see on the panel—is to ensure that—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Well, that is interesting. The member for Hart has identified in interjection—I know I am not required or supposed to respond, but I have to—that maybe the Australian Quarantine and Inspection Service ought not be on the terminal monitoring panel. I find that staggering. I find it staggering for the member for Hart, as a member who represents an area that contains a port, to say that a representative of AQIS, our quarantine and inspection service, ought not be on the terminal monitoring panel. What the member for Hart is saying is that AQIS ought not be there as part of the body that oversees the performance of the container terminal operator. Well, I am flabbergasted at that.

However, the further circuitous argument is that the member for Hart, I believe, was saying that he is surprised that the government does not have a role in this case because, if the panel were to say that, in this instance, Sea-Land was not performing, it might have a negative effect on the state's economy. The whole point of identifying from the panel whether the container terminal operator is not appropriately performing its job is that that would, of itself, be devastating to the economy. It would be completely appropriate for the terminal operating review panel to identify that on two occasions, if it were not occurring, to the port operator, and the port operator as the group that has the contract with the container operator, would then, we would hope as the

beneficiaries of South Australian economic well-being, terminate the container terminal agreement. We do not predict that it will happen. As I identified, Sea-Land has been quite forthcoming in saying to us that it is in its commercial interests to be at world's best practice. So, we do not particularly believe that a default clause will be operative. We think this panel will do nothing other than suggest that everything is progressing appropriately.

Mr FOLEY: I sometimes think it is no wonder that some of your own colleagues get frustrated with you. You are pedantic. My reference to AQIS was in answer to your question about who I would suggest we might not have on it. I suggested that AQIS obviously has a strong and significant regulatory role. As someone who is not a fan of large committees I make the point that it seems to be a large number. However, as I said, you will get your committee, because we will support it. If you want to be pedantic, so be it. Will you explain this to me? Presently the contract for the Sea-Land operation is held between Ports Corporation and Sea-Land. At the point of leasing, sale or transfer of the asset will that contract automatically be transferred to the new operator?

The Hon. M.H. ARMITAGE: It will be signed across to the new operator.

Ms HURLEY: Will members of the panel receive any remuneration and, if so, will there be any difference between the voting and non-voting members of the panel?

The Hon. M.H. ARMITAGE: It is not contemplated that they would be paid; it will be an honorary position.

Mr CLARKE: My question relates to clause 18F(2). The panel issues notices of non-performance in relation to two successive quarters; the operator's rights to possession and control of Port Adelaide container terminal are liable to termination. After two successive quarters and the issuing of two non-performance notices is it the government of the day or the minister who has the right to terminate the agreement, or is it the panel; and can any possible damages arise with respect to breach of contracts? In other words, if the panel can do it themselves and they are found to have been wrong, does the government pick up the tab for any damages, or at the end of the day is there a safeguard? On my quick reading of the bill as a whole I cannot see where the government—that is, the minister in his or her own right—can decide to terminate the agreement.

The Hon. M.H. ARMITAGE: I thought this was clarified previously but, in case I was not clear, what happens is that the panel will issue notices of non-performance to the container terminal operator, stating that the container terminal operator has not performed according to our performance criteria for two successive quarters, and they will identify that to the port operator—the new owner or new lessee of the port—with whom the container terminal contract is held. It is then up to the port operator whether they choose to terminate the agreement of the terminal operator. You will note in particular that 18F(2) provides that the operator's rights to possession and control of the Port Adelaide container terminal are liable to termination; it does not provide that they 'must be terminated'. I would suggest that, well before two successive quarter nominations of non-performance occurred, the port operator would have started negotiations with the terminal operator about how the terminal operator may, in fact, lift its game such that the second successive quarter would not occur, but it would be the port operator who would have the right to terminate the contract with the container terminal operator.

Mr FOLEY: That does clarify that a little further. This contradicts my earlier argument about the size of this committee but you do not have—

The Hon. M.H. Armitage interjecting:

Mr FOLEY: Well, I am thinking of that. I would add that I would find another couple to delete. You do not have a representative of yourself. You have someone you can appoint to represent the interests of shipping lines. Given its strategic importance, and if we are going to have a committee of thousands, had I been the minister, I would have thought having my own ears and eyes on the committee might be a good thing, for example, a representative of the Department of Industry, Treasury—whatever agency it was.

The Hon. M.H. ARMITAGE: I would contend that with the broad representation, which is quite clearly designed to be representational of the exporters, and hence the people who are on the panel, it would be a matter of moment, if the panel in fact was dissatisfied with the performance of the container terminal operator, for the minister of the day or the government in general to know of that, and, indeed, on the basis that this is a private contract, if you like, between the new lessee and the terminal operator, in both of whose interests it is for this to work well rather than negatively, it was felt that it was appropriate to have the panel represent the immediate beneficiaries of the container terminal workings.

Mr CLARKE: When we sold the railways, Australian National was sold to the private operators and South Australian Railways assets were involved as well. There was a protection, as I recall it, that if the railways were going to break down, the private operators for one reason or another could not carry out their function, the minister could step in in the state's interest to ensure the railways worked. The port is of vital importance to the economy of South Australia. I do not see anything within the legislation that says that in the event of a breakdown or the state's interests being at risk the minister can step in and resume control until such time as it can pass it onto another operator. It seems to me that all the legislation is couched along the lines that everything will go okay with whoever the operator is who takes it over and, if they have a bunfight with the container terminal operators, that can be sorted out between two private operators. We know how things can go in a bit of a bunfight such as that. Where is the state's interest protected in the event that there is a serious impact on the state's economy, so that, as we did with the railways, the minister can step in to ensure that things work until such time that things are back on the rails, so to speak?

The Hon. M.H. ARMITAGE: I think it is important to identify that in the port operating agreement, which is an agreement which the new operator will have to sign with the government, there are a number of technical requirements. For argument's sake, if, say, technical safety is not being met, the state will have the power to step in to ensure that those appropriate technical standards, such that the port is operating appropriately as we would want for our state, can be enforced. Also, an independent regulator has the opportunity to enforce service standards if he believes that a service is not being provided commensurate with a price being charged. The mechanisms under which the new owner or lessee will be required to operate will provide a number of ways to overcome the member for Ross Smith's concerns.

Mr CLARKE: I am concerned that the minister refers to this agreement which will presumably be entered into between the government and the successful bidder. However, it is not backed up by statute. Whoever takes over the

operations of the port may not do so in accordance with that which the government of the day sees as being in the economic interests of this state. My concern is that, by the time it is ascertained whether they have breached a contract, with each side perhaps threatening to go to the Supreme Court to have the thing sorted out or ultimately ending up in the High Court, the economy of the state will be at risk, because we know how long legal litigation goes.

By way of example, despite the fact that there have been breaches of the Modbury Hospital agreement and part of the water privatisation contract not being honoured, there has been no litigation and no enforcement of the government's rights in those areas. I will narrow it down specifically to the Ports Corp. Given the importance of the port to our economy, there should be a legislative mechanism—as was the case with the railways—such that, if there is a problem at the port, we should not have to wait months to get it sorted out in the courts. The government of the day should be able to step in and make sure that the interests of the state are protected whilst the wrangling goes on in the courts—if that takes place—subsequently and get it sorted out. In the meantime, the interests of the state are protected by legislation.

The Hon. M.H. ARMITAGE: The member for Ross Smith may be consoled by the fact that the port operating agreement I referred to with technical and safety standards, and so on, is in legislation that we will debate later tonight. It is in the Harbours and Navigation Act, and the provision giving the independent regulator the opportunity to implement service standards, and so on, is in the access bill that we will also debate later tonight.

New clauses inserted.

Clauses 19 to 25 passed.

Clause 26.

Mr CONLON: I am sure the minister has a good explanation for the bill providing 'Nothing done, authorised or allowed by or under this act, a transfer order or a sale/lease agreement—' and it then goes on to absolve things done under the act from basically being unlawful in any respect, be it at civil, common law or under a statute. It seems an extremely broad exemption, particularly when I refer back to issues I raised earlier in regard to clause 4, where the minister may, by an instrument in writing, declare something to be no longer connected to the land by the nature of a fixture or deemed real estate personalty and then change it. It seems a terribly broad power to absolve any breaches of act or unlawfulness. Could the minister explain why it is needed and upon what it is intended to operate?

The Hon. M.H. ARMITAGE: The member for Elder is correct; it is quite a sweeping clause, and we acknowledge that. It is not intended that it will be used to overcome or negate any contract, or anything like that: it is merely designed in case there is an inadvertent breach at the margins. It is not intended that the clause would be operated: it is there as a safety valve only.

Clause passed.

Clauses 27 to 31 passed.

Schedule 1.

The Hon. M.H. ARMITAGE: I move:

Pages 20 to 29—Leave out all plans on these pages and insert the plans attached to this amendment.

A series of plans was attached to the original bill. The amendment would seek to leave out all of those plans and insert those that are attached to the amendment (and I presume they have been circulated), which have a series of

minor adjustments. For example, at inner harbor west the access point to L berth has been fined down to include only that required for long-term access needs, the previous access point having been adjudged on review as being larger than necessary. At inner harbor west there is an access track to K berth between the Shell and Adelaide Brighton leasehold to be held as in-scope land.

Previously no provision had been made, and when a detailed review of the arrangements occurred it suggested that that was inappropriate in the longer term. It does not impact on any existing leases or other rights, etc. If the honourable member wishes, I am happy to provide him with a listing of other minor alterations such as that; I am equally happy to read them into *Hansard* if he chooses.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: A marginal change.

Mr MEIER: I move the amendment standing in my name. This amendment relates to the port of Wallaroo. In the first instance I thank the minister for at least agreeing to exclude a further area out of the scope. However, I have had discussions with people from the Copper Coast District Council, and the area that I would like to see excluded further is the change rooms and toilets that serve for the swimming area at Wallaroo. The swimming area is used for swimming lessons, and it is used at other times. A shark net is incorporated there, and the change rooms are very important. At present, the change rooms and toilets are leased to the council. According to my information, the council sought to have the area with respect to which I am now moving this amendment excluded from the sale or lease of Ports Corp but, for one reason or another, it signed off without this being excluded. I think the worry is that, if this area is not excluded, it will be classed as a commercial area, and the rent that council pays could suddenly become somewhat astronomical for a recreational use.

My amendment is fairly simple and straightforward. It does not include very much more land, but it would solve a problem that is a concern for council and, I would say, for the people who use that area—and, certainly, I have used it.

Mr FOLEY: I am pleased that the minister has seen fit to accommodate the good people of Wallaroo and their toilet, when the people of Port Adelaide will have to put up with train after train going past their back door. This shows the arrogance of this government, which would not even give me the courtesy of consultation. However, when the good people of Wallaroo have a problem with a toilet next to a jetty, it can be fixed like this. It says enough about this government.

Mr VENNING: I think that outburst from the member for Hart is the most ridiculous one I have heard for many a long day. I gather that this toilet is on the Wallaroo foreshore, not on the jetty, because I am—

Mr Meier interjecting:

Mr VENNING: It is near the foreshore.

An honourable member interjecting:

Mr VENNING: I know where the swimming pool is. This will not upset anyone at all. It should be retained for community use, and I commend the member for Goyder for picking it up—

Mr Foley interjecting:

Mr VENNING: If there was an alternative to noisy trains, I am sure that we would go along with that. In relation to noisy trains, I remind the member that I have a railway line within 100 metres of my home, and I have no problem with that. They travel mainly—

Mr Foley: A train line?

Mr VENNING: The main train line.

Mr Foley interjecting:

Mr VENNING: You know where it is.

Mr Foley interjecting:

Mr VENNING: Yes, all hours of the day. I have a question for the minister. Therefore, it will not be part of the process and will remain in government hands, or do we then transfer it to, for example, the council, or something like that?

The Hon. M.H. ARMITAGE: In the first instance, this has not been agreed. My understanding of this—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: This has not been agreed. My understanding is that the council signed off on this, and my officers have been quite specific in identifying that. I am happy to look at the matter. There may be an easement, or something, that we can grant; I do not know. I am happy to look at it. But I am attracted to the argument that the member for Goyder identified: that the council signed off on this, as is in this agreement.

Mr FOLEY: Is the minister saying to me that the council of the Copper Coast can have the opportunity to negotiate whether or not a toilet is in scope or out of scope, but the council of Port Adelaide and Enfield is totally ignored, when the planning of the entire Port Adelaide and Le Fevre Peninsula is impacted? The entire Port Adelaide peninsula and the Port Adelaide Enfield council's role in administering that land is totally ignored and excluded, but when the Copper Coast council has a problem with a toilet on a beach it gets fixed; it gets consulted and it gets input. This just highlights the minister's nasty nature when dealing with this legislation: he is prepared to put certain parts of this state into a category with which he will do deals.

Those areas happen to be in Liberal held seats. They happen to be Liberal electorates, and it is in the government's interest to look after them. So a council can have input regarding a toilet on the beach on the Copper Coast, but when we are talking about the council district of Port Adelaide Enfield—the biggest single council area impacted by this legislation—this minister does not consult, does not want its opinion, does not brief it and ignores it. Minister, this highlights the nasty style and approach you and your government have taken in dealing with the people of Port Adelaide.

When we started some five or six hours ago I began with a passionate speech and I will end on a passionate note. The people of Port Adelaide deserve better from a government, even a conservative government that does not care for their interests. The people of Port Adelaide should not be treated any less than the people of Wallaroo. It is a tragedy that in the dying days of your government you will be nasty to the very end to the people for whom you have no affection or consideration. Minister, it really does highlight the nastiness of your government.

The Hon. M.H. ARMITAGE: I could go through all the stuff about taking the waste out of the river, which the previous government did not bother with, but I will not: it is irrelevant.

Mr CONLON: I am the shadow minister in this case, not that anyone here would notice. I am only slightly reassured by the minister's assurance: he has not agreed to it yet, but I have no doubt, however, that that is what he intends to do once he gets the opportunity to look after one of his mates in one of the Liberal seats. I have been to the spot to which the honourable member refers: I know the little corner with the swimming net and the toilet. I assure the honourable member

that, although he may not think that Port Adelaide is as worthwhile as the little corner with the sacred dunny in Wallaroo, we actually have a lot of wharves and a lot of dunnies down at the Port. I have not seen any of them excised from the effect of this bill. The people of Port Adelaide should have their dunnies preserved for them, as should the people of Wallaroo.

If the minister were interested in venturing anywhere west of North Adelaide, I could take him and show him some places down among the wharves where old Italian mates of mine used to catch whitebait. I could show him where we used to dig tube worms. All those pieces of land will not be excised from the bill merely because the people of Port Adelaide have an interest in their local council. They will be ignored, as they have been ignored by this minister throughout. I will not labour the point but, as the member for Hart said earlier, it is entirely consistent with a minister who would close Barton Terrace so that cars with grubby exhaust fumes do not go past the nice people there but would subject the people of the Le Fevre Peninsula to the massive entry of trucks and grain trains. I say to the minister in closing: at least you are consistent.

Mr MEIER: I am very disappointed at the outburst from the opposition on this.

Mr Foley interjecting:

Mr MEIER: I do not think members opposite understand that they have not been granted this. They have not been given access to the toilet block and change rooms. As the local member I am now making representation on their behalf. It looks as though the opposition is saying, 'That's just not on.' I have heard what the minister has had to say, namely, that certain issues have to be looked at there. I understand that a decision cannot be made here and now. There may be some good reason why it was not agreed to be out of scope in the first instance. I am quite prepared to accept the minister's word that he will look at this.

Mr Conlon interjecting:

Mr MEIER: So you do not fight for things for your electorate, obviously? I thought that that was what a member was here for. No wonder the opposition does not get anywhere. I am happy for the minister to look at this further and to consider it between now and when the matter is considered in another place. I certainly ask him to take into consideration the concerns of the District Council of the Copper Coast.

The Hon. M.H. ARMITAGE: I wish to make one observation. Perhaps the member for Elder was not here when the member for Price asked me specifically about the boat ramp in the area near the Sea Scouts, and so on.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: It was Ports Corp land. It has been taken out.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: It is to be transferred to Transport SA, as I said before, for the very reasons which the member for Elder has stated.

Mr Meier's amendment negated; Hon. M.A. Armitage's amendment carried; schedule as amended passed.

Schedule 2.

The Hon. M.H. ARMITAGE: I move:

Page 31, line 25—Leave out '16 March' and insert '11 May'.

This amendment is self-explanatory.

Amendment carried.

The Hon. M.H. ARMITAGE: I move:

Page 34, line 23—After 'Re-number the following principles accordingly' insert 'and adjust cross-references where required'.

Page 36, after line 42—Insert:

4A Land within 600 metres of the waterfront boundary of the zone at Le Fevre Peninsula, and within 350 metres of the waterfront boundary of the Port River portion of the zone at Inner Harbour East, is to primarily accommodate the range of activities detailed in principle 3.

4B Land beyond 600 metres of the waterfront boundary of the zone at Le Fevre Peninsula, and beyond 350 metres of the waterfront boundary of the Port River portion of the zone at Inner Harbour East, should primarily accommodate the range of activities detailed in principle 4, along with other industrial activities.

Page 37—

Line 15—Leave out item 10 and insert:

10 The extent of Port related activities and other industrial activities should not jeopardise the attainment of the Objectives of the Zone.

Line 17—Leave out '100m' and insert '100 metres'.

Lines 19 to 33—Leave out item 12 and insert:

12 The following kinds of development are complying in the industry (Port) zone subject to compliance with the conditions set out in table PAdE/1, where applicable:

Berthing Operation	Harbor Installation
Coastguard Station	Navigational Aid
Fire Station	Wharf Facilities
Gantry and Loading Structures	

Page 38, lines 3 to 5—Leave out 'Demolition of State and Local Heritage Places listed in table is PAdE/2 and PAdE/4' and insert:

Demolition of State Heritage Places listed in tables PAdE/2 and demolition of any part of an element described in the extent of listing in table PAdE/4 of a local heritage place

Mr FOLEY: The Opposition opposes the bill and the amendments. We are clearly aware of the numbers, but I do have a number of questions. The minister may not be aware of a report called the Gillman and Le Fevre Peninsula Land Capability Study which, I understand, was jointly funded by the Department of Industry and the Port Adelaide Council. This is a study which the minister's colleague, the Treasurer, has totally ignored by the signing of the Pelican Point Power Station and, if the minister is not totally ignoring it, he is certainly not giving it much regard.

The report highlights an area of land that is contaminated. Has the minister taken into account in his estimates what it will cost to build this new grain facility at Outer Harbor and the fact that it has been identified in government reports as being contaminated land? Regarding waste material, the report states that there is waste material from a nearby power station and gasworks. That is not the Pelican Point Power Station; it is the old Osborne Power Station. It states that the anticipated contaminants are metals, tar, PAH, phenols and trace contaminants, that a further source of contaminated materials is 'grits' and 'caustic mud', and that the anticipated contaminants are alkalinity and trace contaminants. The report also indicates that there would be significant 'marine dredgings obtained from the Port Adelaide River' and that the anticipated contaminants in that respect are unknown. It further refers to 'other unknown sources of commercial and industrial wastes', the anticipated contaminants of which are unknown. Have the good people at AusBulk and others been consulted about the fact that they may well be building a facility for grain for export on a highly contaminated site?

The Hon. M.H. ARMITAGE: These matters have been addressed and preliminary costings done. As I indicated, it is part of the on-site infrastructure that we have identified.

Mr FOLEY: So, the minister has identified the cost to rehabilitate that land, and that will be a cost paid for by government or a cost paid for by the owners of the facility.

The Hon. M.H. ARMITAGE: As I have identified, the preliminary costings are included in the \$11 million. We have identified with the Land Management Corporation the sorts of things that would need to be done to remediate the land.

Mr FOLEY: Under this schedule, the construction of the grains terminal at Outer Harbor will be a complying industry. I quickly make the point that government members and perhaps even some of my own colleagues from time to time have wondered why I was so firm in my opposition to the siting of the new power station—not the need for it but the siting of it—but it was because, once you had the power station at Pelican Point, as night followed day you would get these extra developments.

This is what I predicted and my prediction is coming true. With this development, will the minister invoke section 49, I think it is, of the Development Act? Will he fast track this facility or will he allow it to go through proper planning processes in terms of allowing the council to have input and ensuring that proper assessments are made, including an environmental impact statement not just for the facility itself but for the transport corridor leading to it?

The Hon. M.H. ARMITAGE: As I stated in a previous answer to this question, the exact response is indeterminate, which is why I did not answer the question before. The answer will be, I think, consoling to the member for Hart in this respect: that if it is a development upon which the council will be passing judgment, the matters would be taken into account by the council. If it were a major development, if it were given that status, it is envisaged that it would have an EIS. So, the answers are covered in both instances, no matter which way it were to occur. But there is no certainty that this would be a major development.

Mr FOLEY: The minister's answer is a silly, silly answer. He knows what he is going to do, surely: will it be a major project or not? Will the minister allow the people and the council of Port Adelaide to have due process in this, including—and in particular—an EIS not just for the facility but for the transport corridor leading to it, given what I highlighted both passionately but with substance attached to it earlier tonight?

If the government is going to give us this facility—and things may change with time and governments—can the minister at least give us an indication that he would be prepared to go through the proper planning process and ensure that there is a proper environmental impact statement?

The Hon. M.H. ARMITAGE: The reason that I am unable to answer the question is that, as was clearly identified previously, the actual facility and, indeed, the site of that facility is not yet known. And I am uncertain as to what the facility will be. I am unable to say whether or not it will be a major development, because what the government is doing, as we noted before, is providing land for a terminal that is of indeterminate scope at this stage. Depending upon the desire to build some of the less intrusive storage which one sees as one drives around, or something of more major standing, that would obviously invoke different development processes.

Mr FOLEY: This is a very drawn out process, but I am stunned. Here we are at the end of the process and you are telling me that you do not really know what you will be building at Outer Harbor; you really have not thought it through. You have worked out that it will be \$19 million for this and \$11 million to \$15 million for infrastructure, but you

are not too sure what you are building. Fair dinkum, that is an appalling response. I would hate to sit around a cabinet table with you, minister. You would want to do a damned sight better coming to me as your Treasurer if you thought you would get a tick with it—

The ACTING CHAIRMAN: I remind the member for Hart that he should be addressing his comments through the chair.

Mr FOLEY: Thank you, Mr Acting Chairman; I apologise. Perhaps the Treasurer has been through this with the minister. You are saying that you do not know what it is. I have seen a plan, so the plan I have seen is not the plan of the facility. Therefore, what you are saying is that the plans we have been shown are not what you envisage to be building at that site.

The Hon. M.H. ARMITAGE: As we have identified, we do not have a preferred grain terminal operator. If you have chosen to identify with one grain terminal operator that their plan is the one which you believe will be finally put up, fine: that is your belief. We have not done that, as we have been at complete pains to identify for the last four or five hours.

Mr FOLEY: This is astonishing. Members opposite can sigh all they like, but I will go home tonight, or in the early hours of the morning, in the knowledge that the people of my community, where I live, will be getting a major development. We have the Pelican Point power station, courtesy of this government, that we did not want at Pelican Point; we wanted it on Torrens Island. It is not a huge issue, about two kilometres, but they could not accommodate that. They stick that at Pelican Point. Now they are saying, 'We are reserving an area probably two to three times the size of the power station'—for who knows what? It could be a huge 20 storey silo; it might be a smaller silo; it might be 15 silos; it might be an open area for mineral sands; or it might be an open area for wood chips. We simply do not know. The minister can laugh: he has Barton Road closed. His community is looked after.

The ACTING CHAIRMAN: I suggest that the member refer his comments through the chair.

Mr FOLEY: Mr Acting Chairman, the minister's electorate is looked after: we understand that. I think it is really quite offensive that a community in Port Adelaide will live with this uncertainty for many months to come.

Mr Venning interjecting:

Mr FOLEY: That is not what they are telling us: that is the point. Mr Acting Chairman, that is not what the farmers are telling us.

The Hon. M.H. Armitage interjecting:

Mr FOLEY: Sorry, Michael?

The ACTING CHAIRMAN: The honourable member should refer to the minister and address his remarks through the chair.

Mr FOLEY: I might just go on a bit now.

Ms Hurley interjecting:

The ACTING CHAIRMAN: The deputy leader will come to order.

Mr FOLEY: No, my blood pressure is fine.

The ACTING CHAIRMAN: It is getting late, and I ask members to allow the member for Hart to make his point through the chair.

Mr FOLEY: I am entitled to put my point. It is not that you are allowing me to do anything.

The ACTING CHAIRMAN: We may not be, if I decide that.

Mr FOLEY: You could do that but I do not think you would, because you are a good chair. The simple point is that I think the people of Port Adelaide have every right at the end of this bill to be absolutely amazed that the government has no idea what will be going on at Pelican Point. They have somehow come up with these mythical numbers. I would like to have a side bet with the minister as to how accurate that costing is. I bet it would be like everything else in your government—

The ACTING CHAIRMAN: It is not normal to make bets across the House. Just put your point.

Mr FOLEY: True, if hypothetically I was going to do that. Like everything in this government, the minister's estimations will be well under. It will be consistent with everything else the government has done in this state. It will be well over what it has budgeted for. We simply do not know what we are getting on Le Fevre Peninsula, and the people of Port Adelaide probably have to expect a development that will impact far greater than the Pelican Point power station has impacted on their community. Dare I say that the response from the people of Port Adelaide will probably be measured in a reaction similar to that.

Mr CONLON: My interest has been stirred. I was puzzled by some of the minister's earlier answers and perhaps I have been labouring under a massive misapprehension. I understood that the way in which the grain terminal was to be secured for the grain industry was that, when the minister sold or leased Ports Corp, he would put an obligation on the successful purchaser (or the person who successfully wins the lease) to build a deep grain berth. Is that right? What the minister has just told us over the past few minutes is that they have not decided what they will make them build. They will suggest that they need a grain berth and make some vague suggestion, but they will leave it to the new owner to build whatever the new owner chooses and wherever they choose. Like the member for Hart, I am starting to find that a little incredible. What will the successful owner of Ports Corp be required to build and whereabouts?

The Hon. M.H. ARMITAGE: In relation to the grain handling facility within the land the answer is nothing.

Mr Conlon interjecting:

The Hon. M.H. ARMITAGE: Correct. The honourable member has identified that; that is a given. However, in relation to a facility for storing, handling and so on of grain—nothing.

Mr LEWIS: My purpose in joining the debate at this time is to make it plain that philosophically I do not see that governments need to own ports. Equally, I make it plain to the member for Hart, since the minister has not been able to do so, that, when Colonel Light arrived in the province of South Australia and chose to put Adelaide where it now is on the basis that it was near a place where a port could be established, he planned that it would be a port, but he did not ruddy well design every building that would be erected or allocate land for this, that or the other purpose.

He simply said, 'This is an appropriate location for the port to be developed, given that we have the site for the capital city where I have chosen it. We need water and things such as that for the people who are going to live there'—our forebears, some of us. The member for Hart has to understand that just because the land is vacant today does not mean that we have to know how it will be used tomorrow, in 10 years, in 100 years or in 1 000 years. The fact is, if the member for Hart would stop and think just a tad, nothing in this world is certain and, more importantly, you cannot determine

tomorrow what will be the best use of any parcel of land because the technology that affects the way in which you do business in this civilisation that is now a global village changes all the time.

Therefore, for him to expect the minister to know the purpose to which vacant land on Le Fevre Peninsula will be put by some other interest and not the government is really asking a bit much. It is not appropriate even, in my judgment, for the minister to make those definitive determinations. It is better for the process to which the member for Hart refers to be left in place; that is, to enable local government in consultation with the properly appointed planning authorities established in law—law which was introduced if not by the member for Hart, then by members of his party—to develop plans which we will all use.

I urge him and other members in this debate not to presume that the government knows everything for, by his own admission and observation of the way that the government has conducted its affairs, it knows very little and is not likely to make a competent decision in any case, according to the member for Hart's assessment and, in many instances, my own along with him. Better it be left to another day when an appropriate use becomes more obvious according to whatever unfolds as new technologies develop, especially in relation to the way in which we handle heavy goods and make best use of the limited fuel, and so on, at our disposal.

I conclude by saying that, whilst I am philosophically supportive of what this part seeks to do, there are other aspects of it that I think are more important in the impact that they are having on the immediate welfare of the people of South Australia and are more worthy of the attention of any one of us, including the member for Hart; they are more worthy of legitimate criticism than this. We cannot decide how the world will be and make it so. Let it happen within a responsible framework.

Mr FOLEY: Mr Acting Chairman—

The ACTING CHAIRMAN: The member for Hart has already had four questions. I think—

Mr Foley interjecting:

The ACTING CHAIRMAN: The schedule is one question.

Mr FOLEY: No, it's not. I have only one to go.

The ACTING CHAIRMAN: Very well. Then I ask the member to get on with it quickly.

Mr FOLEY: I appreciate the wise counsel from one of the elder statesmen of the parliament, and I sincerely take on board what the member has said. However, I want to finish on this tonight and clarify this point.

As the shadow Minister for Primary Industries has pointed out, we are empathetic to the need for a deep sea port and we want to work towards getting a deep sea port. However, what we are doing and what I as a local member am doing is representing the people who put me in this place, and for that I make no apology.

Nevertheless, I want to conclude on this point: that the economics of this seem bizarre; they just seem odd. They worry me as someone who, one day, an electorate willing, would like to be the Treasurer of this state. So, I have another interest in the cost implications of this. It may not happen; I know it is a long shot; but it just may happen one day.

The proposal we faced three weeks ago, minister, related to dredging the Port River at a cost of \$30 million. I acknowledge that environmental issues are involved. I do not know how significant those issues are because the government has not briefed us, and I do not know about the final cost and

some of the other issues involved, because we have not been briefed; and I really would like to see that. However, I do know that the minister's solution to what he says (and I take him on trust) is a problem for the port is that \$19 million is the estimated expenditure for the wharf. Is the minister with me on this? An amount of \$15 million is for extra infrastructure. That is a total of \$34 million. No doubt there will be other costs, so we can round it off at \$35 million. Then there is the cost of the construction of the facility—\$40 million.

An honourable member interjecting:

Mr FOLEY: It does not matter. The point is the expenditure; whether it is public or private expenditure, someone pays that \$40 million. Members opposite should understand what I am saying: it is paid for by the industry. Ultimately, someone pays. There is a capital cost of upwards of \$80 million to resolve the problem of the deep sea port. However, we were told three weeks ago that the capital cost of dredging would be \$30 million. At this point, let us not argue the toss as to whether it is private or public money; it is \$80 million of expenditure versus \$30 million of expenditure. I am missing something in all this. Why are we going ahead with a proposal—

Mr Venning interjecting:

Mr FOLEY: The member for Schubert should be thinking about this: it is \$80 million for your industry versus \$30 million. The cost of developing Outer Harbor will be \$80 million: \$30 million or \$40 million of public money and \$40 million of private money—growers' money.

An honourable member: That makes \$70 million.

Mr FOLEY: An amount of \$35 million plus \$40 million equals \$75 million—I have rounded it up to \$80 million. It is \$75 million versus \$30 million to dredge the river. There is a big disparity in those figures. I am at a loss to understand why the government has not pursued the issue of the dredging more vigorously. I only wish some of the information had been shared with the opposition. Will the minister shed some light on this matter in his concluding remarks?

Amendments carried; schedule as amended passed.

Progress reported; committee to sit again.

ADJOURNMENT

At 11.07 p.m. the House adjourned until Wednesday 8 November at 2 p.m.