HOUSE OF ASSEMBLY

Wednesday 21 March 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

DEATH OF Mr J.W. HULL

The SPEAKER: I would like to draw to the attention of the House the passing away of John William Hull on 8 March at the age of 72 years. Jack Hull joined the staff of the House in 1955 as Clerk of Papers and Records and Secretary of the Joint House Committee, he rose through the 'ranks' to Clerk Assistant before being appointed Clerk Assistant and then Clerk of the Legislative Council, and he retired in 1979, after more than 24 years service to the Parliament.

Jack was a keen player of golf; Charter Member and Past President of the Kiwanis Club in Mitcham; former councillor of Mitcham council; long serving volunteer for Meals on Wheels; and Life Member of the Adelaide Turf Cricket Association Inc. He leaves behind his wife Vi and family and I am sure it would be the wish of members that I pass on the condolences of the House to them.

PETITION: DAVENPORT ABORIGINAL COMMUNITY

A petition signed by 442 residents of South Australia praying that the House urge the Government to stop the establishment of a refuse dump in the vicinity of the Davenport Aboriginal community was presented by Mrs Hutchison.

Petition received.

PETITION: ABORTION

A petition signed by 144 residents of South Australia praying that the House urge the Government to prohibit abortions after the twelfth week of pregnancy and the operation of freestanding abortion clinics was presented by Mrs Kotz.

Petition received.

PETITION: YORKETOWN COMMON EFFLUENT DRAINAGE SCHEME

A petition signed by 190 residents of South Australia praying that the House urge the Government to stop the proposed common effluent drainage scheme for Yorketown was presented by Mr Meier.

Petition received.

PETITION: GLENELG POLICE PRESENCE

A petition signed by 81 residents of South Australia praying that the House urge the Government to increase the police presence in the Glenelg area was presented by Mr Oswald.

Petition received.

PETITION: FREE STUDENT TRAVEL

A petition signed by 89 residents of South Australia praying that the House urge the Government to extend free student travel on public transport to all students and allow private bus operators to participate in the scheme was presented by the Hon. D.C. Wotton.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions without notice be distributed and printed in *Hansard.*

DESERT LIMES

In reply to **Mrs HUTCHISON** (Stuart) 1 March.

The Hon. S.M. LENEHAN: The species of plant referred to by the honourable member is a native species and thus falls within the protective framework of the National Parks and Wildlife Act. A person taking the plant from the land mentioned in the question, without the consent of the owner of that land, is committing an offence under the Act and is liable to a penalty of $1 000.

CENTENNIAL PARK CEMETERY

In reply to **Mr HOLLOWAY** (Mitchell) 28 February.

The Hon. M.D. RANN: The Crown Solicitor recently informed the Chair of the Health Commission that in his opinion the proposal by the Centennial Park Cemetery Trust to construct the mausoleum would be in contravention of the provisions of the general cemetery regulations under the Local Government Act, and would be contrary to the scheme of arrangement, under the Local Government Act, establishing the trust. Any proposed amendments to the general cemetery regulations would have general application across the State, and my colleague, the Minister of Local Government would ensure that all necessary environmental and public health considerations were taken into account. While it would be inappropriate to consult only residents of a particular area on such amendments, any community views would be taken into account in the drafting process.

The concerns of residents living near the Centennial Park Cemetery can be adequately addressed through the planning process which requires considerable public consultation. I understand that the trust is seeking planning approval to undertake the development of a mausoleum and concerned residents will therefore have the opportunity to bring their concerns to the attention of the Planning Commission.

QUESTION TIME

ECONOMY

Mr INGERSON (Bragg): Does the Premier agree with the State Bank Chief Economist, Mr Daryl Gobbett, who stated today that we are already in a recession? If not, how does he explain the negative growth and investment figures for the December quarter reported in the national accounts today?

The Hon. J.C. BANNON: No, I do not agree that we are in a recession. I do not think that the trends have been evident long enough for that to be stated.

Members interjecting:

The Hon. J.C. BANNON: The Opposition again is expressing its delight, or is it hope, that this is the case. I am very surprised. I would have thought that members of the Opposition, despite their obvious interest in talking down the economy, could at least control themselves when they are on public view and look as if they do care about this issue.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: What the latest national accounts show is that Federal Government policy aimed at dampening consumption in this country in order to try to get back some control of our foreign debt is working. I would have thought that those figures, far from signalling that we are plunging into some massive recession, are an indication that factors are beginning to come together that will see interest rates falling and, therefore, a revival of domestic activity. We know how delicately these things are balanced, and I have never pretended that all is rosy in the economy. Indeed, the argument is about whether we have a soft or a hard landing through a very difficult phase. I think at this stage talk of recession—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: The Deputy Leader is out of order.

The Hon. J.C. BANNON: —is misconceived, premature and counterproductive.

HOMELESS CHILDREN

Mr McKEE (Gilles): Could the Minister of Housing and Construction outline the Government's response to last year's national inquiry into homeless children? Yesterday's paper referred to the fact that the Government is involved in a new youth housing project, namely, Mulberry Court at Christie Downs.

The Hon. M.K. MAYES: I thank the honourable member for his question and his interest in this area. Obviously, most people in the community are concerned about how the national inquiry reflected on South Australia's position and what we are doing as a Government to address these issues. With my colleague the Minister of Youth Affairs we are very firmly committed to a program which will assist our homeless children. I think that the media has somewhat exaggerated the figures, certainly in terms of the definition of street kids and society's impact on the situation vis-a-vis the children's families and the support network. I think that definition has to be carefully examined.

We have to look carefully at the number of kids who are actually in the streets and whether they are what would be regarded as truly homeless. Obviously, there is a need for us to address the problem of those kids who are on the streets and those homeless children. In about November last year the figure for Adelaide was about 70 children, regarding what the Burdekin report would call homeless children. I think it is important to look at what the Government is doing in regard to the national inquiry. I think also that it is fair to say that this Government was found to be performing well in the establishment of emergency youth shelters, but there was some need to shift our attention towards developing medium and long-term housing needs for young people, and children in particular.

I believe that, when addressing the issue of medium and long-term housing for these young people, this would open a number of avenues that we have to address. Overnight shelters and issues like that have to be carefully considered by the Government and I know that the Minister of Youth Affairs has been giving some attention to this area. Secondly, we are considering and addressing the more permanent and independent long-term housing options in terms of a national report.

So, according to the national inquiry the direct areas, in terms of funding, are crisis accommodation, and we are addressing some $600 000 into that area; and the local government and community housing program related to the national inquiry report, when again nearly $700 000 has been—

Mr Lewis: Answer the question!

The SPEAKER: Order! The member for Murray-Mallee is out of order.

The Hon. M.K. MAYES: As regards the Commonwealth-State Housing Agreement in terms of the special youth capital programs, nearly $1 million will be used to assist homeless youth. This money will be used for the purchase, construction and upgrading of minimally supported medium and long-term accommodation for youth. So, well over $2 million—nearly $2.25 million—will be devoted very specifically to medium and long-term accommodation for young people. From our point of view, in terms of our stock of public housing, our support for public housing and our programs, a very significant issue, will be addressed in terms of what the national homeless inquiry directed. In particular, we want to identify certain areas, and I am sure that the members for Elizabeth, Napier and Ramsay will be interested because we will be looking at areas around Elizabeth where particular needs can be identified in terms of homeless youth.

We need, as a Government, to be able to focus on those areas and particular crisis areas that are in desperate need of our support as a Government. As a consequence, the initiatives that are already in place over and above that include the allocation of 361 new places to single youth under the public housing program; 162 new allocations for disadvantaged youth under the direct lease scheme; over 100 properties to community based agencies providing accommodation for youth; and also information, counselling and financial assistance to over 15 000 youths seeking this assistance to establish private tenancies through the Emergency Housing Office. Finally, the rent relief scheme is very important, and some 1 500 youths will be assisted through that program. The Government has shown, in respect of the report of the national inquiry, that it is prepared to put its money where its mouth is and come up with the goods and support our homeless youth. I thank the honourable member for his question. It is significant and obviously something which will continue to be a focus of this Government's attention.

WORKCOVER

Mr D.S. BAKER (Leader of the Opposition): Will the Minister of Labour seek from WorkCover an immediate report on the following examples of rorts which have been given to the Opposition by a WorkCover employee:

1. An expensive wedding dress purchased for a worker on compensation with a hand injury.

2. A man given $30 000 worth of rehabilitation which entitled him to a fully paid holiday to Yugoslavia.

3. Payment for the construction of a brick retaining wall at an injured worker's home because wind and traffic noise were said to be spoiling a rehabilitation program—the worker had lived in the house for many years.

4. A $70 000 ramp built from the street to an injured worker's house with the house sold soon afterwards but no

repayment to WorkCover for the value of the improvements it had provided.

5. A worker with a back injury told by her rehabilitation provider she needed a special chair for work and home—the work chair cost $800, the chair for home $1 800—and she has been told by her provider that the chairs will belong to her at the expiry of her compensation claim?

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: I thank the honourable member for his question. It is something that I will have looked at, but I point out to the House that the officers of WorkCover have been investigating to identify alleged rorts.

Mr S.J. Baker interjecting:

The SPEAKER: Order! The honourable member for Mitcham is out of order.

The Hon. R.J. GREGORY: The member for Mitcham interjects. He has moved up in the ranks of the Opposition.

Mr D.S. Baker interjecting:

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

The Hon. R.J. GREGORY: The member for Victoria is also interjecting inappropriately. There have been investigations, and I will refer to several. With respect to home renovations, one well known instance involved the corporation's having approved—

The Hon. B.C. Eastick interjecting:

The SPEAKER: Order! The member for Light is out of order.

The Hon. R.J. GREGORY: —large amounts of money for home expenditure. In that case the corporation did approve the expenditure of $100 000 for home renovations, and I thought the honourable member might have raised that and would have said why it was done. The person is a quadriplegic and it was the view of all the people involved in that person's rehabilitation that that rehabilitation would best take place in his home.

Mr S.J. Baker interjecting:

The SPEAKER: Order! The member for Mitcham is out of order.

Members interjecting:

The SPEAKER: Order! The Leader is out of order. The Leader has asked his question. If he did not want an answer he should not have asked the question. I ask members of the Opposition to listen to the answer.

The Hon. R.J. GREGORY: It was considered by the experts that this was the best way the person's rehabilitation could take place. One must remember that, prior to the commencement of this Act, rehabilitation was non-existent. It was a word that was talked about but, with respect to workers compensation, it never happened. What was happening was that injured workers were literally thrown out on the human scrapheap. No attempt was made to rehabilitate persons injured at work. When people are injured at work and suffer severe injuries—such as the person I mentioned who is a quadriplegic; and it is obvious that that person, who had a ramp put in his house, was using a wheelchair—those injuries require special treatment.

Another example floated is that poodles were purchased for people. WorkCover cannot find any record of poodles being purchased but, in any case, if it was thought that a dog would assist in the rehabilitation of a person seriously injured at work, I think it would be appropriate to purchase one. Successful rehabilitation and an early return to work by one week would more than cover the expense of a dog. It is the same story in respect of the automatic dishwasher. WorkCover advises that it did buy a dishwasher for a person who was suffering from very severe industrial dermatitis, and that wearing rubber gloves aggravated the condition. A return to work a month earlier saved more than the cost of the dishwasher.

There have also been allegations about expensive footwear. Again, WorkCover has been unable to find any records of the so-called expensive footwear, but it did find that some clothing peculiar to a rehabilitation program was purchased on the basis that it was needed. The same thing applies in respect of the ten-speed bicycle. A doctor recommended that it ought to be provided to assist in rehabilitation. One of the problems is that these allegations are being raised in an attempt to denigrate WorkCover, which is doing a very good job—

Mr S.J. Baker interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: —in returning injured workers to the workplace. That is something that the member for Morphett and the member for Mitchell do not understand or approve of and have opposed in this House.

Members interjecting:

The Hon. R.J. GREGORY: I will correct that—it was the member for Mitcham. He is such a lightweight that he has to wear lead in his shoes—

The SPEAKER: Order! Will the Minister please stick to the question.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The important thing is that, the earlier these injured workers are returned to work, the less it will cost WorkCover and the less suffering will be seen of injured workers in South Australia.

GAS ACCOUNTS

Mrs HUTCHISON (Stuart): I direct my question to the Minister of Mines and Energy. When will the South Australian Gas Company introduce monthly billing for gas accounts? I have been informed that in January consumers received letters from Sagasco asking whether they wished to take up an option to receive monthly accounts. They are now receiving three monthly (90 day) accounts, but not the monthly accounts as requested.

The Hon. J.H.C. KLUNDER: I thank the honourable member for her question and for her interest in this matter. This question refers to an initiative by Sagasco to allow customers to pay at either one monthly or three monthly intervals, depending on the customer's wish in this matter and, as such, it is an initiative which should be supported by all members of this House. I am advised by Sagasco that, due to problems with the software system developed to allow for the introduction of monthly accounts, there has been a delay in introduction. Those problems have now been rectified and the system is in the final stages of testing. The Gas Company now expects to be in a position to start issuing monthly accounts in early April for the 7 000 customers who have elected to take up that option.

WORKCOVER

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is also to the Minister of Labour.

Members interjecting:

Mr S.J. BAKER: He answers the questions so well.Will the Minister now reconsider his refusal yesterday to initiate a full and independent inquiry into workers compensation fraud and abuse in view of the examples given in the

previous question by the Leader of the Opposition and further information provided by employers? There is growing concern amongst employees as well as employers that workers are being encouraged to stay away from work much longer than is necessary under WorkCover and that rehabilitation providers are imposing unnecessary costs on the system.

The following are further examples of allegations provided to the Opposition on this subject:

1. An apprentice who left work to see a doctor about a cold returned with a certificate for a bad back, and was put on workers compensation. The employer provided information to WorkCover that the apprentice had been roller skating and disco dancing while off work, but this information was not followed up. Later, this apprentice was suspended for coming to work while under the influence of marijuana. During the Industrial and Commercial Training Commission hearing of this case, his WorkCover counsellor was in attendance for five hours, at a cost to WorkCover of $80 an hour, to give moral support.

2. A man who was on compensation for eight months with a sprained wrist. When he returned to work, he told his employer he could have been back within four weeks had not his rehabilitation provider encouraged him to stay away. During his absence, he was seen at a staff social carrying two beer jugs at a time in the hand with the injured wrist.

3. A man who was off work for nine weeks with a cut arm. Believing he was fully fit for work, he returned against the advice of his rehabilitation provider, who continued to telephone him at home and at work urging him to go back onto compensation.

4. A young woman with a back problem who was off work for five months. On her return, she used the bus to get to work and was quite happy to do so. However, her rehabilitation provider insisted that she must use a taxi at WorkCover's cost.

In further evidence of the bonanza WorkCover is becoming for rehabilitation services—

The SPEAKER: Order! I draw the Deputy Leader's attention to the fact that that is comment.

Mr S.J. BAKER: Thank you, Sir. The example has been given of one rehabilitation provider which has increased its staff from five to 53 since the introduction of WorkCover.

The Hon. R.J. GREGORY: As I said earlier, prior to the introduction of WorkCover there was no rehabilitation of persons injured at work. I anticipated that there would be an increase in the number of rehabilitation providers and I can understand the concern of members opposite, particularly the member for Victoria, at the concept of workers actually getting advice as to how they can properly rehabilitate themselves and how they can return to work instead of being sacked.

Members interjecting:

The SPEAKER: Order! The member for Goyder is out of order.

The Hon. R.J. GREGORY: WorkCover has a fraud investigation section.

Members interjecting:

The SPEAKER: Order! The member for Alexandra is out of order.

Members interjecting:

The SPEAKER: Order! The Leader is out of order.

The Hon. R.J. GREGORY: It is currently investigating about 300 cases of fraud. One person has already been charged and is due to be—

Mr S.J. Baker: One?

The SPEAKER: Order! The Minister will resume his seat. The member for Mitcham has constantly disrupted the proceedings and at this stage I think he should consider his actions in this House. I call the Minister.

The Hon. R.J. GREGORY: As I said, one person has been charged and the corporation is waiting for that matter to come on for hearing. The case has been adjourned several times and it is anticipated that it will be settled shortly. Amongst those 300 are several members of the medical profession, who will be investigated for signing doctor's certificates when perhaps they should not have signed them. If evidence can be found and produced of that happening, those persons will be prosecuted. It is the same for any person inappropriately and fraudulently giving advice; they will be prosecuted.

Members interjecting:

The Hon. R.J. GREGORY: I note that the member for Mount Gambier suggested that workers will be prosecuted.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: Well, perhaps one or two members opposite are whispering too loudly.

Members interjecting:

The SPEAKER: Order! The member for Heysen is out of order. I call the Minister.

The Hon. R.J. GREGORY: Thank you, Mr Speaker. That person is a worker and will be prosecuted for fraud. It is important that any fraud in this area be prosecuted and, if the member for Mitcham is prepared to give me the names of these people who make the allegations and the names of the people they make the allegations about, I will ensure that the matters are properly investigated. However, I want to reiterate that workers who are severely injured at work and suffer long-term disabilities are now facing the prospect of being rehabilitated and returning to work, possibly not work they were doing prior to their injury but work elsewhere in our community. We in Parliament ought to be pleased that this is happening. I find it disgraceful that members opposite are criticising WorkCover for doing everything within its power to ensure that persons injured at work are rehabilitated so that they can go back to work. I would have thought that would be an appropriate humanitarian approach to adopt in this matter.

Members interjecting:

The SPEAKER: Order! Both sides of the House will come to order.

COASTAL PROTECTION

Mr HAMILTON (Albert Park): My question is directed to the Minister for Environment and Planning. Following the Minister's direction last year that the encroachment on dunal areas within the Coast Protection Board land at Tennyson would cease and that such encroachers would be required to remove illegal structures and so on, will the Minister provide the House with a progress report on how many offending encroachers have complied with the Minister's direction? In addition, what action will the Minister take if such directions are not met by the deadline, which I understand to be 30 April this year? Many of my constituents, sections of the media and environmentalists have maintained their keen interest in this issue and I have been asked to direct this question to the Minister for a response.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. As members of this House would be aware, for many years the honourable member has taken up this issue on behalf of the residents of his constituency,

people concerned about public ownership of the sand dunes and about these dunes, and, indeed, environmentalists.

The answer to the question is that in August last year 18 residents were sent a letter advising them of the Cabinet decision of 10 July offering the option of rehabilitation of the encroached areas or the realignment of the walkway. Of the 18 residents, six replied offering to rehabilitate the encroached area at their own expense. These residents requested a list of suitable plant species and the list was forwarded to them on 22 September. In November 1989 a further letter was forwarded to the residents who had not replied to the circular letter. Verbal advice indicated that two residents had offered to rehabilitate the encroached area.

The remaining residents replied in December, offering to rehabilitate the encroached area. Officers of the Coastal Management Branch met some residents on site in January this year to discuss and advise them on suitable methods of rehabilitating the area. Brief inspections have revealed in March this year that a number of residents have commenced rehabilitation. It is proposed that in April the inspection by the Coastal Management Branch officers and the local member will take place, and a letter to residents who at this stage have not conformed will be sent in May to remind them of the Cabinet decision and of their obligation to rehabilitate the area before the winter rains.

If the residents do not commence the rehabilitation in May in preparation for full completion by 30 June, procedures to relocate the walkway will be put in place, remembering that we had agreed not to relocate the walkway because most of the residents had agreed to rehabilitate the area. However, if that has not been completed by May, we will take action to ensure that the walkway is relocated.

WORKCOVER

Mr OLSEN (Custance): Does the Minister of Labour deny that in discussions between the Government and WorkCover in respect of the levy on employers there is a proposal by WorkCover to increase the maximum levy to 9 per cent next year?

The Hon. R.J. GREGORY: Many figures have been floated around as to what might be an appropriate percentage—

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. R.J. GREGORY: Many figures have been floated around. WorkCover has approached the Government with a recommendation. I point out that it is a recommendation from the board, comprising six employer and six trade union representatives. So, there must have been some employers in support of the increase.

Members interjecting:

The Hon. R.J. GREGORY: The member for Bragg suggests that he goes to board meetings—he was not there and he does not know. The board supports an increase because it sees that increase as protecting the viability of the fund. Any other increases that may be necessary will be considered by the Government from time to time, just as the member for Custance, as then Chief Secretary, would have considered any increases or decreases in costs or fees from time to time.

FURTHER EDUCATION

Mr QUIRKE (Playford): Is the Minister of Employment and Further Education aware of the visit to the Adelaide College of TAFE by the former Federal Opposition Leader (John Howard), and does the Minister believe that this indicates a welcome change in the attitude of the Federal Liberal Party to employment and training in Australia?

Members interjecting:

The Hon. M.D. RANN: I am interested in the response of members opposite because I know that John Howard has a lot of support on that side of the House. Certainly, I join with members opposite—including the Leader and the Deputy Leader—in believing that John Howard would make an excellent Leader of the Opposition. Perhaps Mr Howard is more interested in the result of Monday's ballot than Saturday night's ballot. I know the member for Custance is probably a bit depressed.

Members interjecting:

The SPEAKER: Order! Will the Minister confine his reply to the question that was asked.

The Hon. M.D. RANN: I certainly welcome Mr Howard to our TAFE system, in fact to one of our finest TAFE colleges, the Adelaide College of TAFE. I would be happy to point out to Mr Howard that there has been a massive expansion of TAFE since the Hawke Government came to power—151 000 places between 1983 and 1987. I admire Mr Howard's gall in coming here and parading with the media around the TAFE college today and talking about training when, in fact, Mr Howard's own Party and Leader have pledged to scrap vital job-training projects. I point out that 7 500 South Australians currently in Skillshare training projects would be thrown back onto the unemployment scrap heap if we had the misfortune to have the Liberals elected this Saturday.

It is a pity that Mr Howard did not visit the Skillshare centre at Prospect, for instance, where I understand Mr Pratt is a member of the Skillshare board, having recently sought re-election to that board even though the Liberals plan to scrap it straight after the election. Today we have heard from members opposite about employment, training and recession. Mr Howard would know about recession; after all, Australia lost 186 000 jobs during the last 12 months that he was Treasurer. In the seven years of the Hawke Government 500 000 extra jobs were promised and 1.6 million extra jobs were created—90 per cent of them being in the private sector. Returning to the question: for Mr Howard today to preach to this Government or to the Federal Government about training is like inviting an undertaker to address a 'Life. Be in it' convention.

Members interjecting:

The SPEAKER: Order! I ask Ministers, when replying, to confine themselves to the Standing Orders relating to answers to questions. The honourable member for Alexandra.

CASINO

The Hon. TED CHAPMAN (Alexandra): I address my question to the Premier. Has the Government approved, or does it propose to approve, the installation of mechanical gambling devices in the precincts of the Adelaide Casino? If so, has the decision been, or will it be, taken administratively rather than by parliamentary consideration of a Bill for an Act to amend the Casino Act 1983?

Although this information has not been publicly announced, I am informed that the Casino operators, on the interim agreement of the South Australian Government, have expended large sums of money on engaging architects, design engineers, computer and electronic experts and associated professional consultants to prepare the Adelaide

Casino building on North Terrace for the accommodation of such additional gambling equipment and to cater for the anticipated extra patronage. It is also understood that the machines for imminent installation are for gambling games of poker and blackjack.

The Hon. J.C. BANNON: I think it is well known, and it has been published previously, that the Casino, simply as part of its overall development, has consistently been seeking an extension of some of the games it conducts. Among those are what are known as video machines, which are standard equipment in any casino in Australia. Any particular requirement, if such expansion were to take place, would obviously have to be met in the proper way and would have to conform with the Casino Act as laid down. When it is appropriate for some decision to be made and some approval sought, obviously the Parliament will be advised.

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order! The member for Coles is out of order. The honourable member for Price.

UNDER-AGE DRINKING

Mr De LAINE: (Price): Will the Minister of Emergency Services consider the imposition of heavier fines and tighter policing in relation to under-age drinking offences? It has been reported to me that there appears to be an increasing incidence of young under-age people consuming alcohol in hotels and especially in sporting clubs.

The Hon. J.H.C. KLUNDER: There has been a marked increase in the detection of under-age drinking offences during the first six months of the current financial year and it might be useful if I give the House some background information as to the number of under-age drinkers who have been detected over the past few years. In 1983-84, 444 such people were detected; in 1984-85, 497; and in 1985-86, 315, so it was roughly at the 400 level. In 1986-87 that figure jumped to 823; 1987-88, 1 167; and in 1988-89 it dropped again to 886. The number in the first six months of this current financial year was actually 798, which suggests that there has been a marked increase. I suspect that the marked increase has been due to the fact that the police have cooperated with the Australian Hotels Association and have worked together with that association to try to get at the problem of under-age drinking.

Two of the most successful ongoing strategies that they are jointly running are Operation PATH, which is Patrol Attention to Hotels in the northern suburbs, and Operation PAPS (Policing Adelaide Pubs and Streets), which is being conducted in the Adelaide city area. At the time that these two strategies and the joint strategy between the two organisations were announced, it was anticipated that it would probably take 12 months before any real results started to show. But the increasing number of people, including minors, who are now being detected committing offences, is a positive indication of the success of these problem oriented strategies.

Penalties under the Liquor Licensing Act provide for heavy fines to be imposed on minors found guilty of obtaining or consuming liquor in licensed premises and also on persons found guilty of supplying liquor to minors on licensed premises. The penalties under the Act appear to be adequate. As a result of the Australian Hotels Association and the police working together, the detection rate of offences committed in respect of licensed premises will probably remain high until sections of the community comply with the requirements of the law.

RANGER UNIFORMS

The Hon. D.C. WOTTON (Heysen): My question is directed to the Minister for Environment and Planning. What is the overall cost of equipping National Parks and Wildlife Service rangers with new uniforms? I am informed that Fletcher Jones has been awarded the contract to supply new uniforms to National Parks and Wildlife Service staff. However, I have been further informed that, to fulfil the contract, a tailor from Fletcher Jones and a head ranger from the northern area are now flying around the State in a chartered Cessna 206 to have all staff measured up. I am also informed that the going rate for this charter is almost $3 per minute, or $175 per hour, and my informant has questioned whether this represents an economical use of taxpayers' money, particularly when maintenance of our parks has been so seriously neglected because of real funding cuts in recent years.

The Hon. S.M. LENEHAN: I absolutely reject the final comment—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: —made by the honourable member. As he well knows, maintenance has not been neglected in the way in which he said—quite the reverse, in fact.

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: Yes, I do talk quite regularly to the staff of the National Parks and Wildlife Service. I spent some time on Kangaroo Island last week speaking to them. Indeed, I certainly do know what is going on in the National Parks and Wildlife Service. However, I do not have the figures with me at the moment and I will be very pleased to give the honourable member a report in answer to his question.

TREATED SEWAGE

Mr FERGUSON (Henley Beach): Will the Minister of Water Resources inform the House whether application will be made to the Federal Government to help overcome the problem of treated sewage entering our gulf and destroying the seagrasses? Senator Richardson, the Federal Minister for the Arts, Sport, the Environment, Tourism and Territories, announced on Sunday 11 January 1990 that a coastal management committee in all States and Territories would examine the problem of the coastal areas and the intense pressures they are receiving from urban and industrial development. Senator Richardson specifically referred to the problem of sewage, treated or untreated, which we are allowing to foul our beaches.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. The short answer is 'yes'. Unlike our counterparts in New South Wales we are not putting untreated sewage in the sea off the coast of Adelaide as, indeed, is the case—

Mr Lewis interjecting:

The SPEAKER: Order! I warn the member for Murray-Mallee and, the next time I have to caution any member, serious action will be taken.

The Hon. S.M. LENEHAN: I thank you, Mr Speaker, for your protection. The member for Murray-Mallee seems to make an art form out of interjecting. New South Wales, allows huge quantities of untreated sewage to enter its marine environment to the extent that it must issue daily beach reports to inform the residents of Sydney whether they can

surf at beaches. I will certainly take up Senator Richardson's offer. Of course, like all members on this side of the House, I really hope that he will still be the Minister after Saturday.

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: Indeed, it was Senator Richardson who made this offer. I believe it is important that we look at further treating the effluent that we put into the marine environment. We have a secondary treatment program for the effluent in Adelaide. The Commonwealth Government has moved very consistently and in a supportive way in respect of a number of programs which we have embarked upon, and I refer in particular to funding under the national afforestation program for the conduct of the woodlot trial at Bolivar which my colleague the Minister of Agriculture and I recently launched. Under this program $110 000—

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: The honourable member will have plenty of time to ask as many questions as he likes.

The SPEAKER: Order! The Minister will direct her comments through the chair, and the member for Heysen had better behave himself.

Mr. S.J. BAKER: I rise on a point of order, Mr Speaker. From the way the Minister is answering the question it is fairly obvious that she is using this as an excuse for debate. She is pre-empting debate on the Marine Environment Protection Bill which is before the House this afternoon.

The SPEAKER: Order! The Chair does not support the point of order.

The Hon. S.M. LENEHAN: I am amazed that the Opposition is so determined not to have this information on the public record—but it certainly will be on the public record. Under the national afforestation program the Federal Government has committed $110 000 for the first year with a further $80 000 for the second year and $87 000 for the third year of the trial, making a total Federal contribution of some $277 000. The balance of the funding required over the three year period, namely $272 000, will be provided by the State Government. I use this example to illustrate the fact that this Government has worked constructively and positively with the Federal Government, and particularly with Senator Richardson, in terms of funding for issues which will protect our environment.

ELECTRICITY DEMAND

Mr LEWIS (Murray-Mallee): My question is directed to the Minister of Mines and Energy. What is the Government's current estimate of growth in demand for electrical power in South Australia over the next 10 years? What database and other relevant information has been used to establish this estimate?

The Hon. J.H.C. KLUNDER: That information is in fact made available on an annual basis and I will make sure that the honourable member receives a copy of the last lot of information.

HAPPY VALLEY WATER SUPPLY

Mr HOLLOWAY (Mitchell): I direct my question to the Minister of Water Resources. Has the filtration of the Happy Valley water supply, which commenced in November last year, led to any significant reduction in the need to chemically treat Happy Valley water? In particular, has filtration decreased the level of chlorination of that water supply?

The Hon. S.M. LENEHAN: I thank the honourable member for his question. As members would know, the Happy Valley water filtration plant was opened by the Premier in November last year. It has been providing clean, filtered water to 40 per cent of the residents of Adelaide since that time. Prior to the commission—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: Well, it is very interesting that the honourable member calls out 'Rubbish!'. That is, in fact, the accurate fact. I actually drink the water—

Mr Becker interjecting:

The Hon. S.M. LENEHAN: Oh, threats!

The SPEAKER: Order! I name the member for Hanson. I have warned the House about behaviour on several occasions. The member for Hanson has been named. Does the honourable member wish to explain or apologise to the House for his behaviour?

Mr BECKER: I was making a point that the water in our house (which comes from the filtration plant) is not of the standard that the Minister is claiming. I made that point by way of interjection which, whilst it is out of order, is part of the parliamentary process. However, if that has upset you, Sir, and the House, I apologise to you.

The Hon. B.C. EASTICK: I move:

That the explanation of the member for Hanson be accepted.

The SPEAKER: On this occasion I will accept the apology from the honourable member and withdraw the naming. I warn every member of this House that the conduct of the House is in their hands and my hands. Members have put the rulings in my hands as the Speaker they have elected, and I wish the conduct of the House to be of as high an order as we can achieve. It is in members' hands how they behave and in my hands as to what happens to them. The honourable Minister.

The Hon. S.M. LENEHAN: As I was saying in answer to the honourable member's question (which related to whether we have been able to reduce the level of chlorine in the filtered water that is now reaching about 40 per cent of the homes and residents of Adelaide), prior to the commissioning of the Happy Valley water filtration plant in November, the water that was distributed to consumers in fact was treated with two chemicals, namely, chlorine and fluoride. Although there has been no reduction in the concentration of fluoride in the water, I am very pleased to tell the House that there has been a 40 per cent reduction in the total chlorine dose applied to Happy Valley water since the commissioning of the Happy Valley water filtration plant.

For those members who may be interested in the exact amounts, I point out that the typical dose rate of chlorine required for disinfection is roughly 3 mg/L to 4 mg/L. However, chlorine is also used at the inlet to the plant at a dose rate of 2 mg/L to prevent microbiological growths occurring within the water filtration process to the detriment of the operation of the plant. So, adding those figures, the total chlorine dose currently used at Happy Valley is 5 mg/L to 6 mg/L, or about a 40 per cent reduction on the previous level that existed before the operation of the water filtration plant.

STATE ENERGY PLAN

The Hon. E.R. GOLDSWORTHY (Kavel): My question is directed to the Minister of Mines and Energy. When will

the Government release the State energy plan Green Paper referred to in item 46 of the address by His Excellency the Governor at the opening of Parliament on 8 February this year?

The Hon. J.H.C. KLUNDER: I intend to release that report very shortly. I am looking at some aspects of the report where I think—

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: —it might be appropriate to include some of the energy saving information that has been provided to Governments across Australia by Dr Amory Lovins in the past few weeks.

RECREATIONAL FISHERMEN

Mr ATKINSON (Spence): Is the Minister of Fisheries aware of speculation that licence fees will be levied on recreational anglers and will the Government levy such a fee? Last week the Department of Fisheries issued a Green Paper on management of the marine scalefish fishery. This fishery is of most interest to recreational anglers because it includes popular species such as whiting and snapper.

I noted that some media have mentioned licence fees even though these were not canvassed in the Green Paper, apart from a brief description of the resource rent extracted from each fishery sector. Since the Green Paper was published I have encountered speculation that the Government will impose a licence fee on South Australia's 300 000 recreational anglers.

The Hon. LYNN ARNOLD: Yes, I am aware of some speculation of that nature. I concur in the comments made by the honourable member in his explanation to his question when he said that the Green Paper released by the Government last week does not, in fact, include that in its list of recommendations. The fact is that the Government has no intention of introducing licence fees for recreational anglers, although we will maintain the recreational netting licence situation for the reason that recreational netters have a capacity to take abnormally large numbers of fish, and that represents something at the margin of recreational fishing. As for recreational anglers, the reason why there is no intention to do that is that the recreational angling community is already paying the cost of inspection and of management of the fisheries through Consolidated Revenue through their tax payment.

A different situation applies to commercial fisheries, which have restricted access. Limited numbers of licences are available for commercial fishing, therefore not every South Australian has the opportunity to become a commercial fisher. Thus, it is quite reasonable that, since they have restricted access or access which others do not have to a fishery, they should be expected to pay some form of return or economic rent for that. Page 21 of the Green Paper indicates the rate of return being achieved in various commercial fisheries as follows: 112 per cent for abalone; 65 per cent to 70 per cent for prawn; 35 per cent to 40 per cent for rock lobster; 8 per cent to 10 per cent for marine scale fish; and 5 per cent for the river fishery.

The recreational fishery is a different situation, since there is no restriction on any South Australian going into a shop, buying a hand line or fishing rod and going out fishing. Every South Australian has the right to become a recreational angler. He or she will then take part in fishing a resource which requires management and inspection, and that is paid for by the various revenue resources of the Department of Fisheries, particularly by Consolidated Revenue.

Who pays Consolidated Revenue? The self-same people who have the opportunity to become recreational fishers. In other words, they are the source of the money that helps pay for the management of the fishery; they are then entitled to go and use it, so there is no need to introduce an alternative licensing provision when they already, as a community, are paying that resource. The fact that only 300 000 South Australians take up that opportunity is really a decision that individuals make. The fact that the other 1.1 million do not take up the opportunity to be recreational anglers is their decision but they are able to do so if they wish.

GOLDEN GROVE REGIONAL CENTRE

Mrs KOTZ (Newland): My question is directed to the Minister for Environment and Planning. Will the Minister ensure that there is adequate consultation with all parties affected, before any approval is given for a supplementary development plan to allow a major regional centre to be established at Golden Grove? I have received a number of representations following a supplementary development plan submitted to the Minister by the Golden Grove joint venturers. I am advised that this latest plan proposes the establishment of a major centre covering some 43 000 square metres, which would be classified within the metropolitan development plan as a regional centre. It would be only eight kilometres from Tea Tree Plaza, which was designated as one of the five regional centres permitted under the metropolitan development plan.

There is concern that another regional centre in such close proximity will have a significant impact upon the Tea Tree Plaza, in which there is already significant Government as well as private sector investment, and will cause the failure of many small businesses. Further, while this latest plan is substantially larger than the original proposal for a district centre at Golden Grove, there has been no consultation with the Tea Tree Gully council about this change. This has led to suspicion that the need for local community consultation is being deliberately ignored by the Golden Grove joint venturers, one of which is the South Australian Urban Land Trust.

The Hon. S.M. LENEHAN: One of my colleagues has commented that that was a Dorothy Dix question. Obviously, quite a number of issues are contained in the honourable member's very long explanation. Obviously, this is a planning matter that has some major significance for the residents of Golden Grove, and I shall be pleased to investigate the claims made by the honourable member and to bring back a report.

SAFE PLAY ENVIRONMENT

Mr HERON (Peake): My question is directed to the Minister of Recreation and Sport. Can the Minister outline what the Government is doing to promote safe and healthy play environments for South Australian children?

The Hon. M.K. MAYES: I am delighted that the member for Peake has asked me this question, as most community members are very interested in what the Government has achieved in terms of safe and healthy play environments for our children and, of course, for the community as a whole. The establishment in 1988 of the Playgrounds Division within the Department of Recreation and Sport was a

significant step and certainly something that has added a much needed basis of information and expert support for the community.

Through SA Play Incorporated (the Playgrounds Association, as it was known some years ago) we have worked very closely to establish an advisory and support service to ascertain the community's requirements in terms of improving the quality of the environment for children when they play. As the Minister of Health would agree, the number of children in our major children's hospitals in this State as a consequence of playground accidents was of serious concern to the Government and the community as a whole. As a consequence, bearing in mind the need to upgrade the technology of playground equipment, play environments and play in general, we looked at the sort of expertise we had in Government and at what we could draw together from the community, including SA Play Incorporated, and we brought together these people to set up our Playgrounds Division.

The impact, not only of social changes but also of environmental and technological changes in the community, has put play in a different category from when we were children and from the sorts of environment we played in then. Today, for example, because of greater urbanisation, greater pressures and speed of communication within the community, stress is placed on children, and one must consider the safety aspects in terms of not only the equipment they play with but how they play and in what sort of environment—whether it involves playing within the normal playground or park, how they arrive there, the volume of traffic on the road, and so on.

Through the establishment of this division and an allocation of $180 000, we have been active in assisting in the prevention of injury, in improving the play environment for children, and particularly in providing support for parents and play organisations. The division has conducted some 289 safety inspections and assessments, produced 227 comprehensive reports, and organised major play seminars and several training workshops, as well as undertaking major community consultation, particularly with local government. Local government has been at the forefront of addressing this issue, many councils having taken significant steps and shown great initiative in establishing improved play environments.

I am very proud of what the division has achieved. I look forward to the changes in direction and policy that we may need to address in the years to come but, certainly, I believe that this Government has laid the foundation for providing safe play environments, allowing for constant review of children's requirements and of the demands being placed on parents and play leaders in this regard. I am delighted to be able to advise the House and the community of our achievements, and I look forward to working with South Australia Play Incorporated in terms of developing future policies and support mechanisms.

STAMP DUTIES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL (No. 2)

The Hon. D.J. HOPGOOD (Minister of Family and Community Services) obtained leave and introduced a Bill for an Act to amend the Children's Protection and Young Offenders Act 1979. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This small Bill is consequential to the recently introduced Bill to amend the Community Welfare Act.

The latter Bill focuses on dealing with recommendations from a number of reports and reviews, one of which was Mr Ian Bidmeade's review of Part III of the Children's Protection and Young Offenders Act. It also deals with a range of other anomalies and the need to update legislation to reflect necessary changes in practice, particularly as it relates to the protection and substitute care of children.

A further consideration relates to inconsistencies between the Children's Protection and Young Offenders Act and the Community Welfare Act.

The department has consistently received advice from the Crown Solicitor that the powers of the Minister and the Chief Executive Officer are not sufficiently clear with respect to responsibilities under two Acts. It has been argued that the powers relating to the implementation of an order of the court under the Children's Protection and Young Offenders Act should largely be under that Act. Likewise powers relating to functions under the Community Welfare Act should be established under that Act.

The Bill simply seeks to separate the powers of the Chief Executive Officer to take into account the advice of the Crown Solicitor. This is aimed at making it far clearer as to what status of children the powers relate. In this case the nature of the powers has not changed, rather the groupings under the respective Acts.

For example, under existing legislation there is an ability on behalf of the Chief Executive Officer to place a child who has come under guardianship through administrative means in a detention centre for up to seven days. This is restricted to circumstances where the child is demonstrating severe behavioural problems and likely to cause serious injury to themselves, other people or property. The same power does not exist in relation to children who have been placed under guardianship subject to a court order. It is considered that on the rare occasions this provision needs to be used, it should only be for those children who are subject to court orders. Hence the provision, modified slightly, has been transferred from the Community Welfare Act to the Children's Protection and Young Offenders Act.

Other amendments are minor and relate to wording.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 relates to the definitions used in the principal Act. The amendments will ensure consistency between the principal Act and the Community Welfare Act 1972.

Clause 4 revises section 23 of the principal Act. The new provisions will reflect the fact that responsibility for the residential care of a child may be given to the Chief Executive Officer. Clause 5 amends section 24 of the principal Act to clarify that the person appointed to a review panel as an employee of the department must not be a person working with the Children's Interest Bureau. Clause 6 provides that all references in the principal Act to 'Director-General' should be changed to 'Chief Executive Officer'.

Mr INGERSON secured the adjournment of the debate.

COMMUNITY WELFARE ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister of Family and Community Services) obtained leave and introduced a Bill for an Act to amend the Community Welfare Act 1972. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It is one result of a series of extensive reviews over the past four years including the Review of Adoption Policy and Practice in South Australia, the Child Sexual Abuse Task Force Report, Mr Ian Bidmeade's Review of Part III of the Children's Protection and Young Offenders Act, and the Report of the South Australian Domestic Violence Council (October, 1987).

These reviews have resulted in a new Adoptions Act reflecting our society's dramatic changes in beliefs and social attitudes. significant changes to that part of the Children's Protection and Young Offenders Act which relates to children and their families where protection and neglect are issues; and, minor amendments to the Community Welfare Act.

During the same period the department has undertaken a wide range of reviews relating to its own programs. These have resulted in increased attention being given to children and families who are considered to be most at risk. Emphasis has been placed on increasing grants and supporting those organisations which helped to reduce the risks which these families faced. Particular attention has been focused on people who had special characteristics which might lead them to be more vulnerable—single parent families, low income earners, families where domestic violence was present, Aboriginal people, people living in rural areas and people from non-English speaking backgrounds. At the same time emphasis has been given to:

assisting other organisations and the community in general to be more aware of the steps which they can take to ensure that individuals have help as quickly and appropriately as possible in times of need;

improving the awareness of people such as teachers, doctors and child carers to recognise, at an early stage, symptoms which might indicate that a family or a child is under a particular stress or is at risk of some specific harm;

increasing the skill and competence of staff in a variety of agencies through ongoing training and improved policies and practices.

Throughout this whole process the department has ensured that there has been wide-ranging and considerable consultation over an extended period of time. This consultation has taken a variety of forms including:

full participation of community members and representatives of non-government or government organisations on review committees;

preparation of discussion papers on specific subjects such as the care of children outside of their families, adolescents at risk, the role of families, and poverty. People were invited to respond in writing or attend a variety of forums where these issues were discussed;

consultation with individual people considered to be experts in their field, in South Australia, interstate or overseas. These people also included a wide cross section of individuals from academics to people who operated small but successful agencies;

clients themselves.

The Department for Community Welfare and a previous Minister, Dr John Cornwall, following their longstanding commitment to detailed public discussion on social issues brought together in a single Green Paper all of those matters which were being raised in the various reviews. A discussion document entitled, 'Department for Community Welfare—The Next Five Years' was released in September, 1987. In launching the document Dr Cornwall stated:

> It has been my clear intention to encourage and promote open debate about the policies and programs of the department. The issues which underlie the debate about welfare programs are issues which must be owned by the entire community, for they lie at the heart of community and family well-being . . . The issues addressed in the paper, particularly support for families and the care and protection of our children in the community, constitute some of the most important social issues of our time.

Historical Background:

South Australia has, for much of its history. been in the forefront of the world's community welfare development. This has been particularly evident over the past two decades and reflected in the first Community Welfare Act in 1972 and the subsequent major revision in 1981. Both of these legislative developments benefited from extensive community consultation and a bipartisan approach towards ensuring the best possible deal for all South Australians.

In the early 1970s the Government's reforms resulted in a wide range of new and innovative programs being established. These reflected a strong belief that partnership between the Government, community groups and organisations, and the people themselves was a major factor which would result in a caring society and one where those people most in need could be guaranteed priority of attention. There was also a strong belief in and commitment towards strengthening families and communities as the most important institutions in our society today.

During that time of economic prosperity considerable resources were channelled into developmental and preventative programs aimed at identifying a wide range of social and individual needs and establishing ways of meeting them in a manner which was effective and as close as possible to the point of need. Programs relating to the Juvenile Justice System and the residential care of children underwent substantial restructuring during this period resulting in major advances in the care of children. Considerable emphasis, for example. was placed on keeping children in the community and between 1976-77 when there was a daily average of 261 in 24 departmental residential/training centres and 1988-89 there was an average reduction to 100 in 11 units.The foundations for a number of other changes also occured during this time. These included:

a focus on supporting families to limit the incidence of breakdown and the subsequent removal of children into other forms of care;

the identification and protection of children who had been physically, sexually or emotionally abused;

where it was necessary to remove children from their homes in order to protect them, their placement with substitute families in environments which were as near as possible to those with which they were familiar, rather than institutions;

a greater focus on maintaining children in their own home but, where this was not possible, making decisions and comprehensive plans about long term and permanent care as soon as possible;

a recognition that South Australians have a diverse range of needs and backgrounds and that they should

have access to services developed and available according to principles of equal opportunity and social justice.

The 1980s saw significant changes in the social and economic climate. The economic downturn meant that the rapid expansion of the social welfare system had to be modified. It was still obvious that there were many unmet needs, that certain children were still not safe, and that some families still required considerable support. The economic changes also meant that a greater number of families and individuals were becoming vulnerable either as a result of increased unemployment or a decrease in real disposable income. The department needed to continue its process of service delivery reform in order to ensure the highest quality and effectiveness of service within the resources available to it and the community.

By the mid-1980s the gap between resources available and the demands for services became sufficiently wide to force the Government to consider its role in service provision and the priorities it would give to the various programs. The redistribution of resources to the non-government sector was already well advanced. Within the department, a set of service priorities were developed and implemented. Programs were rationalised, practices reviewed and systems of positive outcome measurement introduced. Clear direction was given to ensure that urgent, critical and statutory work was given precedence over work of a lesser priority.

Despite the heavy demand for personal welfare services, attention was also given to ensure that appropriate balances were maintained in the department's work. Recognising that the Government is but a partner in the delivery of welfare services and that the non-government, neighbourhood and community sectors are usually the first line of support for families and individuals, the Government channelled extra resources into that area of work. Grants to non-government bodies increased from approximately $1 million in 1978-79 to over $40 million in 1988-89. The department also continued its well established process of supporting these bodies to help them operate at their most appropriate and effective level. It was obvious that the department would also have to plan its ervices more carefuly as well. The Green Paper identified the following major planning issues:

there would be continued demand on existing services brought about by the effects of tight economic and budgetary policies on levels of poverty, unemployment, ill-health. and stress;

through the Social Justice Strategy, there would be increased emphasis across the Government, on fairness and equity for all the community, and a corresponding reduction in emphasis on traditional welfare approaches;

there would be ongoing pressure for more integrated approaches to human service delivery—approaches which recognise the interrelationship between health, welfare, housing, education, labour market, employment and training policies;

limited welfare resources should be targeted to the vulnerable, the powerless, and the most disadvantaged in the community;

in continuing difficult economic times, the department would need to strongly advocate for maintenance of the level of resources going to the welfare sector;

within the principle of priority of care, there should be an increased emphasis on early intervention and prevention in the community, particularly via encouragement and support for familial and neighbourhood networks;

there would be increased emphasis on seeking the views of service users about the type, mix, quality and location of services provided;

the continuing social, health, educational and economic disadvantage faced by Aboriginal people would need to be more systematically addressed;

longer term demographic changes, particularly the ageing of the Australian population, would alter the balance of human service demand in Australia;

the increasing prominence of non-government and community based agencies in the delivery of human services, and the shifting roles of Commonwealth, State and Local Governments and the non-government sector would alter the patterns of service delivery.

Extensive and far reaching consultation occurred resulting in a White Paper entitled, 'New Directions in Welfare: The Next Five Years'. Again, this document, as a blue-print for the development of progressive welfare programs, emphasised the importance of the family as the basic unit of society and the best environment for the development and well being of children. It also restated the new directions for welfare policies, particularly as to how they would be developed and implemented in an ongoing spirit of co-operation and sharing of responsibility. The document also confirmed the widely held support for the directions of the Government in its welfare policies. The White Paper set out the major Government policy objectives for the next five years. Specific details relate to operating principles and were stated as follows:

individuals are best supported within the family, extended family and local community, tribal and cultural system;

clients' rights must be protected and exercised. This includes the right to be treated with dignity and respect; the right to information about services and entitlements; the right to legal and administrative processes for redress; the right to be involved in decision-making which affects their lives;

services must be accessible to ensure that people know about them and feel able to use them when required;

services must be relevant and sensitive to different cultural values and lifestyles;

the organisation and delivery of services should recognise that individual and family problems frequently have their roots in social conditions such as poverty and unemployment; the Department for Community Welfare is part of a network of Government and non-government human services. It will co-operate with communities and other service providers to ensure the best possible services for the public.

The Bill seeks to reinforce principles relating to the importance of children being cared for in their own home and where this is not possible in another family environment which provides security and recognition of their family background. The Government will continue its considerable focus on the provision of grants to organisations which support the family, prevent the need for children to be cared for elsewhere and return home as quickly as possible where they are. Although a considerable proportion of the department's resources is directed to these types of services, members will appreciate that it is not appropriate for these to be spelt out in detail in legislation. A wide range of issues is covered in the Bill. These include:

1. Anomalies or inconsistencies between the Community Welfare Act and other legislation. As a result of the 1988 amend- ments to Part III of the Children's Protection and Young Offenders Act it has been found necessary to make a number of changes for the sake of consistency. Changes to the provisions relating to assessment panels, review panels and the ability for staff to undertake investigations relating to child protection notifications come under this heading.

2. A number of important reductions in powers of the Minister and department are introduced. The current administrative means of placing a child under the guardianship of the Minister are repealed. Practice has shown that where parents have sought to use this provision such that the department can provide a specialised form of care for their child they are in fact not wishing to relinquish full guardianship responsibility. Where they are, it is more appropriate that the matter be considered in a court.

In place of these provisions the Government is proposing that parents and, where a child is over the age of 15 years, the child, come to a voluntary arrangement for some particular aspect or aspects of the care of that child. A further reduction in powers is proposed with the repeal of that section of the Act which allows for a child, considered to have been maltreated or neglected, to be detained in a hospital for 96 hours against the will of the guardians. The Bill proposes that if parental co-operation cannot be obtained then, if necessary, a child may be kept in custody, for the purposes of the investigation, for a maximum of 24 hours only. If it is considered that hospital treatment is required beyond this time against the wishes of parents then a Children's Court order will be required.

3. Clarity of Powers. The department has consistently received advice from the Crown Solicitor that the Community Welfare Act is not sufficiently clear in relation to certain of the intended powers under that Act. As a consequence, some of the department's actions undertaken in relation to children in various forms of care have come under question of children under the guardianship of the Minister interstate, powers of entry and investigation, and placement of children in various forms of care.

4. Children's Interests Bureau. Members will be aware that at the time of the last election the Government promised to provide the Children's Interests Bureau with separate legislation. As this will take some time to prepare it is proposed that the Bill will seek to alter the functions of the bureau to reflect the need for the department to be held accountable for its work with individual clients. The proposed amendment will also make the Act consistent with provisions introduced into the Children's Protection and Young Offenders Act in 1988.

5. Shortcomings in Departmental Practice. A variety of reviews such as that undertaken by Dr Lesley Cooper of the Flinders University relating to underage parents have demonstrated the need for improvement in a number of key programs. Whilst recommendations have been acted upon immediately with considerable resultant improvement in the quality of services, these changes are not sufficiently reflected in the legislation.

Considerable changes have been made in the area of the substitute care of children over recent years. These include increased emphasis on children maintaining contact with their natural families if at all possible and in the interests of the child. If a return home is not possible then considerable attention is given to obtaining a safe, secure and stable family environment for their permanent care. Where this does occur every encouragement is given to ensure that a child grows up knowing who they are and details about their origins and extended family. Particular attention is given to the needs of Aboriginal children and people from a variety of ethnic backgrounds.

Program reviews have also demonstrated that insufficient attention has been given to ensuring that relevant plans are in place for children in care, and that those plans are monitored and reviewed. Again, the Bill provides for what has now necessarily become departmental and foster care agency practice. A number of minor modifications are also proposed in relation to the responsibilities of the department, non-government organisations and foster parents.

6. The Protection of Children. As members are fully aware, following the release of the Child Sexual Abuse Task Force Report and the Bidmeade Report, the Department for Community Welfare, in conjunction with a range of other Government and non-government organisations, has been implementing many of the recommendations. Considerable effort has been put into the training of staff in these agencies as well as those people who are obliged under the current legislation to notify instances of suspected child abuse.

At the same time, increased emphasis has been given to community and professional education and awareness programs such that people are more alert to the importance of protecting children. This includes making children and families more aware such that problems do not arise or, if they do, that they are dealt with quickly, effectively and as far as possible using normal community resources.

Whilst the Government wishes to ensure that all children are safe it fully recognises that abuse and sometimes horrendous abuse still does occur. In such situations the departmental, medical and police personnel must act quickly and effectively to protect those children from further abuse and provide treatment where that is appropriate. It is normal for full parental cooperation to be sought as a part of this process.

The Bill provides for a number of significant changes in that part of the Act dealing with the protection of children. These relate to the recommendations in the previously mentioned reports as well as changes which have already been put in place. One of those recommendations was the establishment of the South Australian Child Protection Council. The Government, recognising the importance of continued development in this area, has already established the Council which is chaired by Dame Roma Mitchell. The Bill sets out the constitution and functions of this important body.

Another important provision in the Bill is the repeal of that part of the Act which relates to the establishment and functioning of regional child protection panels. These were originally established in 1977 and have served a very useful purpose in the bringing together of people from a variety of disciplines, developing programs and preventing the further abuse of children. Over recent years they have experienced considerable difficulty in considering all new cases referred to them as well as keeping others under review. In 1978-79 there were 258 incidents reported and by 1988-89 this had climbed to 3 213. Departmental staff have also had to spend a large amount of time writing reports for panels when they could have devoted more energy to the practical aspects of helping the families concerned and protecting the children.

The important functions of developing child protection strategies have largely been taken over by the council. At the same time the department, in conjunction with the agencies currently represented on the panels, has been developing more effective means of working together. These are already operating at the local level both in relation to programs and the needs of individual children and families. The monitoring and review of individual cases will be carried out within regions using the resources of these same agencies with the important addition of independent members of the Children's Interests Bureau being involved in certain cases. The strategies used will vary considerably from one area to another depending on the nature of local resources and needs. Service quality mechanisms are being put in place to ensure that the highest possible standards are developed and maintained.

As previously stated, the Bill also allows for a number of changes relating to the examination and treatment of children. More stringent limitations on the holding of children for the purposes of investigation and examination are also proposed.

Before introducing the specific clauses of the Bill, I would like to reinforce that the proposed amendments have come about as a result of the careful examination of over 15 discussion papers, reports and internal working papers. In addition a number of Crown Solicitor's opinions have been taken up. Considerable and widespread consultation has been undertaken both in relation to the individual reports and the Act itself. The cornerstone for the proposed amendments has been the Government's White Paper, 'New Directions in Welfare: The Next Five Years', which I am sure all members would have read.

As much of the current Act is still relevant, the Government is proposing to amend it only in so far as it does not currently reflect modern practice or language, that it does not adequately reflect Government policy or that certain key programs need to be reshaped.

I thank the huge number and wide variety of people who have been involved in the lengthy process of reviewing the many community welfare programs. The Bill, which is but one of many outward signs of these reviews, provides for a good balance between the often difficult job of seeking to ensure that children are appropriately cared for and nurtured in a society and the concern which Government and others have that it is families that have that key responsibility.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 relates to the definitions used in the principal Act. In connection with the amendments relating to child protection and child abuse, a definition of 'abuse' is to be inserted into the Act. The definitions of 'Director-General' and 'Deputy Director-General' are to be replaced by 'Chief Executive Officer' and 'Deputy Chief Executive Officer' to reflect the titles now used in the department. The Act will no longer refer to 'children's homes' but 'children's residential facilities'. The definition of 'relative' is to be amended so that it will include, in relation to an aboriginal child, any person who is regarded as a relative of the child according to Aboriginal customary law. Other amendments that are consequential on substantive amendments to the principal Act are also made.

Clause 4 replaces references in section 8 to the 'Director-General' and the 'Deputy Director-General' with references to the 'Chief Executive Officer' and the 'Deputy Chief Executive Officer' respectively. Clause 5 provides for the repeal of section 9 of the principal Act, which relates to the preparation of an annual report. This matter is now dealt with by the Government Management and Employment Act 1985. Clause 6 relates to the objectives of the Minister and the department. It is intended to amend section 10 of the principal Act to make specific reference in the objects to the promotion of the welfare of children who may suffer neglect or abuse. Reference will also be made to the provision of services designed to support parents and families in the care of children, and the provision of services designed to secure the welfare of children who may suffer neglect or abuse or who may otherwise be in need of care or protection. New subsection (4) will require the Minister and the department to take into account any relevant Aboriginal customary law when the Act must be applied in relation to an Aboriginal person.

Clauses 7 to 14 (inclusive) relate to the change in the title 'Director-General' to 'Chief Executive Officer'. Clause 15 revises the provision of the Act relating to consultation by the Minister. It is intended to abolish community welfare consumer forums under the Act and instead to require generally that the Minister and the department consult with relevant organisations. Furthermore, members of the public will be encouraged to make comments and recommendations to the department. The Minister will also be required to ensure that appropriate procedures are in place to allow complaints against the department to be considered and, if appropriate, acted upon.

Clause 16 recasts section 23 of the principal Act so that 'Community Welfare Grants Fund' will become the 'Family and Community Development Fund' and the 'Community Welfare Residential Care and Support Grants Fund' will become the 'Non-Government Substitute Care Fund'. Clause 17 relates to the principles that must be observed by persons dealing with children under Part IV of the principal Act. Section 25 of the Act will be replaced by a new provision that refers to a number of additional principles that will need to be taken into account. In particular, it will be necessary to seek to secure a healthy, safe and stable family environment for a child and to try to keep the child within his or her own immediate or extended family (if to do so would be in the best interests of the child). All reasonable steps will be required to be taken to avoid undue disruption of the child's life and the child should only be kept under the care or guardianship of the Chief Executive Officer under the Act for so long as is consistent with the best interests of the child. It will also be necessary to consider the interests and wishes of the child's guardian.

Clause 18 relates to the functions of the Children's Interests Bureau under section 26 of the Act. Clause 19 provides for the repeal of subdivision 1 of Division II of Part IV of the Act. The existing Act allows the Minister to place children under his or her guardianship in certain cases. The new provisions will fundamentally change the procedures for arranging appropriate care for certain classes of children. In particular, new section 27 introduces the concept of 'care agreements'. It is proposed that care agreements be entered into between the Chief Executive Officer and a guardian of a child vesting any aspect of the care of the child in the Chief Executive Officer. The agreement will set out the nature and extent of the care being vested in the Chief Executive Officer and will be able to be terminated at any time by the guardian who is a party to the agreement. The agreement will have to be terminated on the request of the child if he or she is of or above the age of 15 years. The agreement will not operate for a period exceeding six months. The welfare and progress of a child who is subject to an agreement will be reviewed at least once in every three months. New section 28 is similar to existing section 28, except that temporary guardianship will be allowed for a period of up to six weeks. New sections 29 and 30 revise the provisions relating to the transfer of children from one State to another. New section 31 is similar to existing section 32 (4) of the principal Act.

Clause 20 revises subdivision 2 of Division II of Part IV of the principal Act. This subdivision relates to the establishment of facilities for children, including homes for the care of children. It is proposed to alter the provision so that the Minister will establish facilities and programs for the care of children. Clause 21 proposes a new section 40 of the principal Act. Section 40 sets out the purposes of foster care. The provision will reflect the principle that foster care is provided until the child can return to his or her family, other arrangements of a more permanent nature are made for the care of the child, or the child can begin to be self-supporting.

Clause 22 relates to the assessment of the suitability of persons to be foster parents under section 42 of the principal Act. It is proposed to refer specifically to the need for the Chief Executive Officer to be satisfied that a proposed foster parent is a fit and proper person to provide foster care. Clause 23 will amend section 43 of the principal Act. The amendment will alter a reference to foster care involving the 'custody' of a child to foster care involving the 'care' of a child. Clause 24 inserts a new provision into the principal Act to require the Chief Executive Officer to undertake regular assessments of a person's role as a foster parent, and to provide on-going support and guidance to the foster parent.

Clause 25 revises section 44 of the principal Act. This provision relates to periodical reviews of the circumstances of a child under foster care. The new provision will require the Chief Executive Officer to consider the adequacy of the care that is being provided, the plans that exist to ensure that the child's best interests continue to be met, and the desirability of making other arrangements of a more permanent nature for the child. Clause 26 will amend section 45 of the principal Act. It is proposed to remove references in the Act to 'foster children'. Clause 27 relates to the ability of the Chief Executive Officer to cancel the approval of a person as a foster parent under section 46. The grounds upon which the Chief Executive Officer may act will be expanded to include that the person would no longer qualify for approval as a foster parent, or that other proper cause exists for the cancellation of approval.

Clause 28 revises section 47 of the principal Act. This provision relates to the information that a foster parent must furnish to the Chief Executive Officer. The provision will require a foster parent to advise the Chief Executive Officer if the foster parent changes address, if another person comes to reside with the foster parent, or if a person residing with the foster parent is charged with an offence (other than a trifling offence). Clauses 29, 30 and 31 relate to proposed changes to the terms used in the principal Act. Clause 32 inserts a new section 50a that will require a licensed foster care agency to undertake regular assessments of a foster parent's role as a foster parent and to assess any requirement of a foster parent for financial or other assistance.

Clause 33 relates to section 51 of the principal Act. This section relates to conduct of children's homes. It is proposed to alter the section so that it will refer to 'children's residential facilities'. Clauses 35, 36 and 37 relate to proposed changes to the terms used in the principal Act. Clause 38 revises section 55 of the principal Act. This section requires that a person who has a licence to conduct a children's residential facility must enter into a written agreement with a guardian of the child before a child under the age of 15 years takes up residence in the facility. Where a child is of or above the age of 15 years, the licensee must, where practicable, consult with the guardian of the child and be satisfied that the child has consented to be cared for in the facility. However, these requirements will not apply if the child is under the guardianship of the Minister or the Chief Executive Officer, or is under the care or control of the Chief Executive Officer in relation to his or her place of residence.

Clause 39 relates to proposed changes to the terms used in the principal Act. Clause 40 revises the definition of the child to whom the provisions of subdivision 8 of Division II of Part IV will apply. It is intended to include any child who is under the guardianship, care, protection or control of the Minister or the Chief Executive Officer, and any child in relation to whom the Minister or the Chief Executive Officer must take some responsibility by virtue of an order of a court.

Clause 41 revises section 74 of the principal Act, which relates to the provision of financial assistance to persons caring for children. The provision will be extended to a person who undertakes the guardianship of a child pursuant to an order under Part III of the Children's Protection and Young Offenders Act 1979 or who undertakes the care of a child pursuant to an order or direction of a court. Clauses 42 and 43 relate to proposed changes to the terms used in the principal Act. Clause 44 relates to unauthorised contact or communications with certain children. In particular, the ability of an authorised person to require a person to leave premises where a child is residing, and not to return, is clarified.

Clause 45 provides for the repeal of section 80 of the principal Act. This provision allows the Minister to delegate certain powers, functions or duties in relation to children to foster parents. This . provision is no longer to apply. Existing delegations will continue by virtue of a transitional provision in the second schedule to the Bill. Clause 46 relates to review panels constituted under section 81 of the principal Act. A review panel will review the progress and circumstances of any child under the guardianship, care, protection or control of the Minister or the Chief Executive Officer.

Clause 47 will empower the Chief Executive Officer to establish assessment panels to undertake responsibility in relation to the care, treatment or rehabilitative correction or education of children who are alleged to have committed offences. Clause 48 repeals section 82 of the principal Act, which is to be replaced by a new provision relating to investigations (new section 92). Clause 49 relates to proposed changes to the terms used in the principal Act.

Clause 50 relates to the ability of the Chief Executive Officer to give his or her consent to medical or dental treatment in prescribed cases. Existing section 85 relates to children who have been placed under the control of the Chief Executive Officer under Part III of the Children's Protection and Young Offenders Act 1979, or who are detained in a training centre. The new provision will also apply to cases where the Chief Executive Officer has undertaken responsibility for the health of the child, or where the child is under the care of a person pursuant to an order or direction of the court. The provision will still provide that the Chief Executive Officer will only give the consent if the whereabouts of the guardians of the child cannot be ascertained, or if it would be detrimental to the health of the child to delay the treatment while the consent of the guardians is obtained. Clause 51 replaces a divisional heading.

Clause 52 proposes the repeal of the provisions of the principal Act that provide for the establishment of regional and local child protection panels and provides for the creation of the South Australian Child Protection Council. Clause 53 will revise the provisions of the Act relating to notification of child maltreatment. New section 91 will require persons who belong to specified classes to notify the department whenever they suspect on reasonable grounds that a child has been abused or neglected, provided that the relevant suspicion is formed in the course of their work or duties. The classes of persons who must comply with the section have been revised to some extent. In particular, any person who holds a position of responsibility in an agency that provides health, welfare, educational, child care or residential services for children will be required to comply with the section. New section 91a will protect a person who makes a notification of child abuse from liability in respect of the notification. New section 91b proposes provisions to

protect the identity of a person who notifies an employee of the department of suspected child abuse.

Clause 54 revises the powers of the Chief Executive Officer, or of an authorised person, to investigate cases that involve children who may have been abused, neglected or abandoned. An officer will, in an appropriate case, be able to take a child into his or her custody for the purposes of an investigation or to take the child for an examination or assessment by a qualified person. This form of custody will not be able to last for more than 24 hours. However, if a decision is made to apply for an order under Part III of the Children's Protection and Young Offenders Act 1979, the child can be kept until he or she is brought before the Children's Court. Clauses 55 and 56 relate to the proposed changes to terms used in the principal Act. Clause 57 will insert a general provision that will make it an offence to hinder a person engaged in the administration of the Act, and a provision that will make it an offence to impersonate an officer of the department. Clauses 58 to 63 relate to proposed changes to terms used in the principal Act. Clause 64 makes consequential amendments to section 251 of the principal Act. Clause 65 and the first schedule revise the penalties that apply under the principal Act. The second schedule sets out the transitional provisions required in relation to the enactment of this measure.

Mr OSWALD secured the adjournment of the debate.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Constitution Act 1934. Read a first time.

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

That this Bill be now read a second time.

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

An honourable member: No.

The SPEAKER: Leave is not granted.

The Hon. D.J. HOPGOOD: I do not mind. I imagine the honourable member's colleagues are not too happy about it.

There are three fundamental principles which underlies the Government's agenda in the area of electoral reform. They are:

the principle of one vote one value;

the principle of electoral fairness in which the Party which wins a majority of votes in a majority of electorates, wins government;

the principle of regular redistributions being undertaken by an independent electoral boundaries commission.

These three principles have guided the electoral reforms of the Government over two decades; they informed the changes we made in 1968 and in 1975. They are written into the Constitution Act of South Australia. These principles have for over 20 years ensured that South Australia had the fairest electoral system in Australia. The Bill now before the House provides for a referendum to be held in accordance with Part V of South Australia's Constitution Act to ensure that the fairness of our electoral system is maintained.

Part V of the Constitution Act was added to the Statute Book in 1975—with the Opposition's support. It deals with the establishment of an independent Electoral Districts Boundaries Commission, determines the regularity of redistributions and identifies the criteria which the commission must take into account when redrawing boundaries.

Nothing in Part V of the Constitution can be changed without the support of the electorate determined by way of a referendum. Consequently, a referendum is required to determine if a majority of the electors of South Australia support a change to the timing and frequency of when redistributions will be held.

As the Constitution Act stands at the moment, redistributions can only be held after every third election. These Bills provide for a redistribution to be held after every second election. The need for this change arises from the move to four year terms. This is a fact; it is widely agreed. Nothing else is at stake nor has it ever been at stake.

The Government is not seeking to increase or decrease the size of the House. The Government is not seeking to change the method of electing members to the House of Assembly. The Government is not seeking to change from single member constituencies. What the Government is seeking to do, quite simply, is to restore the right of the independent Electoral Districts Boundaries Commission to conduct more regular redistributions.

No-one disputes that the current electoral boundaries are out of balance. No-one argues that the current boundaries are fair to all voters: they are not. No-one disputes the value and importnce of an independent Electoral Districts Boundaries Commission. No-one disputes the need for a redistribution before the next election.

For 20 years no-one has questioned the size of the House of Assembly and there have been no disputes, debates or reservations from the major Parties about single member constituencies in the Lower House. In such a climate of agreement the Government expects that these Bills will readily receive the support of all members so that the 1993 election will be able to be decided on the basis of one-vote one-value in 47 relatively equal sized electorates.

There is no dispute, and can be no dispute, with the fact that while there are 27 027 voters in Fisher and 16 558 in Elizabeth, there will be a difference in the value of an elector's vote between one area and another. What is at stake here is the continuing fairness of South Australia's electoral system. The vote of every South Australian must be equal. Currently they are not.

The Government wishes to ensure that the next State election is decided on fair and equal boundaries determined by an independent Electoral Boundaries Commission. I wish to remind members and the House of what the independent Electoral Boundaries Commission said in 1987 in a letter to the Pemier, the Leader of the Opposition, the Speaker and the President. The commission drew attention to the frequency of redistributions since 1955 and noted that orders for new boundaries had been made 'at approximately seven year intervals'. The commission noted as follows:

> This would seem to accord with the intention of Part V of the Constitution, prior to the introduction of the four year term.

The commission then went on to point out as follows:

> While the commission is not inclined to recommend alternative arrangements to effect more frequent redistributions, the reinstatement of earlier intentions could be achieved by amending the legislation to activate the commission after every second election or 'X' years, whichever is the longer period. Past history suggests that 'X' might be seven years or thereabouts.

What we now have are two Government Bills seeking to rectify the problem identified by the boundaries commission but without the shortcomings and flaws of the Bills introduced into the Legislative Council in August of last year. These Bills neither increase nor decease the size of the House of Assembly; neither do they change the method of voting for members in the House of Assembly, nor change

South Australia's system of returning members to the House of Assembly.

The Government is committed to the continuation of 47 single member electorates with members being elected by receiving an absolute majority of votes in that electorate. By implication, the Government is committed to the preferential system of counting votes. Under this system the Party which wins a majority of votes in a majority of electorates will become the Government. The Government will not countenance any other system. These Bills deal simply with electoral boundaries and nothing else. The Government rejects the disreputable and tarnished zonal system of Queensland. It believes the so-called West German system would be unworkable and create two classes of member. In a small electorate like South Australia this system would not work. Similarly, proportional representation and multi-member electorates for the House of Assembly are seen as unnecessary.

The members of the Legislative Council are already returned from a single electorate by proportional representation. Eleven members are elected every four years in accordance with the percentage their Party receives at the popular State-wide vote. The combination of a bicameral Parliament with two separate systems of voting ensures that the wishes of the electorate are readily translated into the composition of the South Australian legislature.

The Opposition—both now and in the past—has made great play about the difference between electoral equality and electoral fairness. Let me say quite simply that it is wrong. In addition, it misunderstands and misinterprets the methodology of both Professor Joan Rydon and Dr Malcolm MacKerras on which it relies for its argument. The Liberal Party, according to its State platform, supports:

> an electoral system which guarantees as nearly as possible, the right to equality of representation for each electorate in the State irrespective of where he lives.

The Government does too. The Government's argument now, as it has been for over 20 years, is summed up in that time-honoured statement of Justice Earl Warren, which is as follows:

> Representatives represent electors, people—not acres, not wealth, not sheep and not the space between electors—but, electors.

With the current boundaries as they are and with the imbalance as dramatic as it is with over one-third of electorates being near to or beyond the level of tolerance, all votes are not equal and boundaries are not fair.

The Government believes that it is important for the 47 electorates in South Australia to be more or less the same size taking into account the expected likely changes in a population in various areas.

Further, the Government believes that the current criteria to be used by the Electoral Districts Boundaries Commission will lead to a fair consideration of the appropriateness of various boundaries. The Electoral Districts Boundaries Commission, despite what some commentators say, is not hamstrung in being able to significantly change boundaries.

The 1983 redistribution of the Electoral Districts Boundaries Commission left only Hartley's boundaries unchanged. Some seats became safer; others became more marginal; and some, like Adelaide, were changed almost beyond recognition. Notwithstanding those matters of fact, the Government believes it is reasonable to refer Part V of the Constitution Act to the select committee along with the Bill. The last order of the commission was issued in September 1983.

The work of the commission leading to that order had been based on realistic expectations of population increase and change throughout the metropolitan area and the rest of South Australia. We have now seen bigger increases and bigger decreases than were envisaged at the time. This may well continue and, therefore, the Government is introducing Bills which will ensure that redistributions can take place after every second election.

Two elections have now taken place on the basis of the order issued by the commission in 1983, namely, the 1985 election and the 1989 election. There was no opposition to the order made by the commission in 1983. Two elections have been fought on those boundaries; two elections which have had remarkably different results; two elections which have produced substantial changes in the composition of this House and the composition of the Government.

These Bills will not be proceeded through all their stages during this session. Rather, it is the Government's intention that they be referred to a select committee of the House of Assembly dealing as they do with election to the House of Assembly. Therefore, I indicate that at a later stage I will be moving a contingent notice of motion to refer these Bills, together with the whole of Part V of the Constitution Act, to a select committee of the House of Assembly.

The select committee will meet during the winter recess and the Bills will be restored to the Notice Paper for the budget session. At that stage the House will be able to debate the findings of the select committee. The Bills, when accepted by the Parliament and endorsed as the Government hopes they will be by a majority of South Australian electors, will ensure that a redistribution will be held after every second election, that is, about every eight years, as originally envisaged.

Following the success of the referendum, a redistribution will begin immediately after the referendum question is passed and the Constitution Act Amendment Bill assented to. In other words, as two elections will have been held on the boundaries that were determined by the order of the commission in 1983, the commission will determine the boundaries that are to be used at the next State election in 1993.

The Government seeks, through these Bills, to restore electoral balance and electoral fairness to South Australia's electoral system. I commend the Bills to the House and urge all members to give them their utmost consideration to resolving the important issue of electoral imbalance. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 82 of the Constitution Act. New paragraph *(a)* requires the Electoral Boundaries Commission to commence proceedings for an electoral redistribution within three months after assent to the Constitution (Electoral Redistribution) Amendment Act 1990. New paragraph *(c)* then requires an electoral redistribution after every second general election.

Mr D.S. BAKER secured the adjournment of the debate.

REFERENDUM (ELECTORAL REDISTRIBUTION) BILL

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to provide for the submission of the Constitution (Electoral Redistribution) Amendment Bill to a referendum. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Constitution Act (Electoral Redistribution) Bill sets out the changes the Government wishes to make to the Constitution in relation to the timing and frequency of redistributions. As the changes proposed affect Part V of the Constitution Act they must win majority support in the Parliament and in the community.

This referendum Bill is the vehicle which facilitates the holding of that referendum. It identifies the form of the question to be put to electors at a referendum—the content of which is dealt with in the accompanying Bill. It also determines who will conduct the referendum and who is entitled to vote at the referendum. Further administrative matters relating to, for example, the appointment of scrutineers and the determination of formality, will be dealt with by way of regulation.

I would advise the House that those regulations together with this Bill, the Constitution Act (Electoral Redistribution) Bill, and Part V of the Constitution Act will all be referred to the select committee which I have indicated will consider these matters during the winter recess. The form of the question to be submitted to electors is proposed to be:

Do you approve of the Constitution Act Amendment Bill 1990 relating to electoral redistributions?

Electors will be obliged to answer 'yes' or 'no' in a square provided on a ballot paper.

It is expected that explanatory statements will be available to all electors prior to the referendum so that they are in a position to know what the consequences are of answering 'yes' or of answering 'no'. In addition, the Government would expect statements would be provided by political Parties and also available in one form or another for electors. The Electoral Commissioner would conduct the referendum.

I should remind the House that the Constitution Act requires that at least two months elapse between the time at which the Parliament agrees to this and the related Bill and the time at which a referendum can actually be held. I commend the Bill to the House and again repeat the Government's intention to allow full public and parliamentary scrutiny on this matter through debate in both Chambers and, of course, through the select committee which shall be meeting over the next three to four months. I commend the Bill to members.

Clause 1 is formal. Clause 2 requires submission of the Constitution (Electoral Redistribution) Amendment Bill 1990, to a referendum of electors. In accordance with section 88 of the Constitution, the referendum is to be held on a date appointed by proclamation being a date falling at least two months after the Bill is passed by Parliament. If a majority of the electors voting at the referendum approve the Bill, it will be submitted to the Governor for assent but, if not, it will lapse.

Clause 3 provides for the referendum to be conducted by the Electoral Commissioner in accordance with the procedures appropriate to a general election.

Clause 4 empowers the Governor to make regulations.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

POLICE SUPERANNUATION BILL

The Hon. FRANK BLEVINS (Minister of Correctional Services) obtained leave and introduced a Bill for an Act to provide superannuation benefits for members of the Police Force; to make consequential amendments to the Police Act 1952; to repeal the Police Pensions Act 1971; and for other purposes. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Mr LEWIS: On a point of order, Sir, at what point did we vote on the decision to give the Minister leave to incorporate the second reading speech in *Hansard* without reading it?

The SPEAKER: I requested that permission from the House. It was granted. Nobody opposed it, so I took it that there was support and, therefore, leave was granted.

Explanation of Bill

This Bill seeks to close the existing Police Pensions Scheme to new entrants after the existing cadets graduate, restructure the Police Pension Scheme, and establish a new Police Superannuation Scheme. The Agars Committee Report into Public Sector Superannuation recommended, in 1986, that the Government should give consideration to closing the Police Pensions Scheme. The Government has accepted that recommendation principally because the pension scheme was very costly to the taxpayers of this State. For example, the cost to the Government of meeting the existing pensions and benefits is about 16 per cent of the police payroll, and the Public Actuary reported in his 1986 actuarial report that, unless the generous benefits in the scheme were reduced, the cost was expected to be 22 per cent of the police payroll in 10 years time, and 40 per cent of the police payroll in 40 years time. Quite clearly then, the Government had to act to bring the future costs of police superannuation back to acceptable levels.

The existing pension scheme is even more expensive on a cost per employee basis than the Public Service Superannuation Pension Scheme which, of course, was closed to new entrants on 31 May 1986. The cost to the Government of the Public Service pension scheme was 17 per cent of a member's salary at the time it was closed, yet the current cost of the police pension scheme on a funding as you go basis is 21 per cent of a member's salary. Whilst the Police Pensions Fund has itself shown small surpluses over the last two valuations, this has to be considered in the context that the fund has not been able to meet any of the cost of pension indexation provisions, even though the period has been one of high earning rates. The Government has also taken the opportunity to restructure the pension scheme which will continue for existing members on a restructured basis. The restructuring was considered necessary for two basic reasons.

First, the pension scheme as it exists today has little flexibility to enable members to choose the form in which they would like their retirement benefits. Secondly, unless there was restructuring of some of the benefits, the Government would have had no option but to increase members' contribution rates by between 60 per cent and 100 per cent so that members were meeting their fair share of the accruing benefits. As a result of agreement by the Police Association to the Government's restructuring proposals, the Government has agreed to allow members of the pension scheme to continue to pay their existing contribution

rates. The proposals for the restructured pension scheme and the new lump sum scheme have been developed by the superannuation task force. The cost to the Government of the new lump sum Police Superannuation Scheme which is planned to come into operation on 1 July 1990, is about 12 per cent of members' salaries.

The overall attraction of the restructured pension scheme rests on the retirement benefit flexibility. There will be the opportunity for police officers to have a higher pension for life with no lump-sum or basically the same level of pension with a higher lump sum. However, apart from a special option within a transitional period of five years, all new retiring members will have their pensions based on the consumer price index rather than the present arrangement which indexes pensions at 133 per cent of CPI. The present cost of benefits provided under the Police Pensions Act is about 18 per cent higher than if the indexation and lump sum arrangements had been the same as those for the main State scheme. Whilst the Government has agreed to allow new retirees to retire under the existing provisions for a period of five years so that retirement expectations are not jeopardised, there are sufficient incentives for persons retiring over the next five years to opt for retirement under the new restructured provisions. The Government expects most people will opt for the new flexible provisions.

The basic benefit under the restructured pension scheme will be aligned to that provided under the closed State scheme. The benefit payable after at least 30 years membership, and on retirement at 60 years, will be ⅔ of superannuation salary. Pensioners will have a right to commute up to 50 per cent of the pension to a lump sum. Under the existing scheme, a fixed 25 per cent of the pension is payable as a lump sum of one and a half times salary, leaving a pension of 50 per cent of salary.

As the scheme proposes to adjust the salary to be used for superannuation purposes by 10 per cent in recognition of shift work allowances over a career, the age 60 benefit will effectively be 73 per cent of basic salary. With the recognition of shift work and on a comparable contribution rate basis, the benefits under the scheme—equate with those available in New South Wales. As police officers above the rank of senior sergeant, that is, commissioned officers, have an all-inclusive salary which incorporates a built-in allowance for shift work, special call-out and weekend work, they will not qualify for the 10 per cent build-up in superannuation salary.

The existing option to take a higher pension up to age 65 and then a lower pension after that date will be dispensed with under the restructured arrangements. This provision under the current scheme added about 3 per cent to the cost of age retirement benefits. Under the new pension arrangements there has been a substantial improvement in the existing age 55 to age 59 pension benefits. The Bill proposes a basic pension benefit of 51.8 per cent of superannuation salary at age 55, which is effectively 57 per cent of basic salary.

The superannuation inquiry report recommended that police officers be able to also retire between the ages 50 and 54. Having considered the recommendation, the task force supported the concept and recommended that the Government allow police officers to have this special retirement option because of the special nature of police work. All parties, including the Police Association, agree, however, that during a transitional period there should be a limit on the number of police officers who can retire between 50 and 54. The Bill introduces this special early retirement benefit, which under the pension scheme will be a lump sum only. On its introduction, and by agreement between the Police Association and the Police Commissioner, only 50 people will be able to retire under this provision in any one year. The maximum benefit payable at 50 after 30 yeras service will be equivalent to six times base salary.

Invalidity retirement provisions under the Bill have been substantially restructured. There has been a need to make major changes in this area because of concerns by the Public Actuary, the Agars Committee of Inquiry, the superannuation task force and the Government. Of major concern has been the fact that for several years there were substantially more police officers retiring due to physical or mental incapacity to perform police work than police officers retiring on account of age. The relative young ages of many of the invalid applicants was also of major concern.

The Government proposes to structure both the pension scheme and the new lump sum scheme with two levels of disability benefits. Those officers who are considered to be permanently physically or mentally incapacitated for both police work and a range of other employment will be provided with benefits based on the level that would have been payable on normal retirement at 60 years of age. The significant change will be brought about by introducing a new category of benefit for those persons who are physically or mentally incapacitated for police work but, in the opinion of medical advisers and after due consideration by the Police Superannuation Board, are capable of engaging in employment outside of the Police Force. This benefit will be referred to as the partial disablement benefit and, in general terms, will provide lump sum benefits based on service to the date of leaving the Police Force. Benefits for expected future service with some other employer will in future not be paid by the Government under the Police Superannuation Scheme.

During a period of assessment for possible invalidity retirement, a temporary disability pension will be available. The attraction for invalidity retirement will also be dampened in future by restricting the size of the lump sum availabe before the age of 60 where a person retires on a invalidity pension. Lump sums will be restricted to 100 per cent of salary.

Spouse benefits under the restructured pension scheme will also be aligned with the benefits payable under the existing State scheme. The Bill proposes that a spouse be entitled to a pension based on ⅔ of the member's age 60 entitlement. Generally, this means that a spouse would be entitled to a pension of $^4/_9$ of the employee's superannuation salary. This is equivalent to about 49 per cent of base salary. Spouses, in future, will have the ability to have a higher pension rate than the current lower pension and compulsory lump sum. Commutation of up to 50 per cent of the pension will be allowed at the same commutation rates as apply under the State scheme.

The restructured pension scheme proposes a significant improvement in the benefit cover for single persons who die before retirement. Under the Bill, a modest vesting scale of employer benefits is payable to the estate of a deceased single police officer. The employer benefits will be restricted to three times salary. However, the Government has agreed with the Police Association's view that where a single police officer dies in the course of duty, there be a minimim level of benefit payable to the officer's estate. The Bill proposes that the minimum total benefit payable in such an instance be three times salary. Children's pensions under the restructured pension scheme remain at substantially the same level.

In line with the Government's policy that there should be no 'double-dipping' in employer benefits payable under superannuation and workers compensation, the Bill has

provisions which will prevent any 'double-dipping' in benefits. The main State scheme introduced similar provisions in July 1988. Neither the restructured pension scheme nor the new lump sum scheme will have a provision to enable members to vary their contribution rates like under the main State scheme. Whilst the Government believes that flexible contribution rates can be very helpful to an individual who needs to make adjustment to his or her cash outgoings because of a particular short-term financial situation, the Police Association strongly rejected the proposition. The association believes it is in the best interests of all its members to remain covered for the maximum benefits and a flexible contribution rate system could tend to erode the level of cover for some individuals. It was for this reason that the association rejected the flexible contribution rate concept being built into the police superannuation schemes.

Resignation benefits are being enhanced under the pension scheme. In future the earning rate of the fund will be paid on a member's contributions. The new Police Superannuation Scheme which is being established under the Bill is basically a lump sum scheme. The basic benefits under the scheme are fully defined and not based on a split employee accummulation component and a defined employer component arrargement as under the State scheme. It is a fully defined arrangement at the request of the Police Association. Like the pension scheme which the new lump sum scheme is replacing, the new scheme will be compulsory.

Whilst the police cadets in training as at the commencement of the Police Superannuation Act 1990 will be considered members of the restructured pension scheme, cadets and new employees commencing employment with the Police Force after the commencement of the new Act will become members of the new scheme. The new scheme will automatically provide death and invalidity cover for police cadets in training. Under the existing Police Pensions Act, cadets in training are not members of the scheme and therefore have no superannuation cover until they graduate as probationary police officers. This Bill therefore corrects an anomoly long overdue for attention. The maximum age retirement benefit payable under the new scheme will be seven times superannuation salary. Allowing for the 10 per cent build-up in salary for those officers that do not have a shift work allowance built into an all-inclusive salary, the benefit equates to 7.7 times base salary at 60.

The special age 50-54 benefit which is being introduced under the pension scheme will also be available to new scheme members. The maximum benefit to be available at age 50 will be six times salary after 30 years membership. On the death of a member, a spouse will be entitled to a lump sum of ⅔ of the age 60 retirement benefit. Eligible children will receive pensions. The principles of the invalidity provisions to become part of the pension scheme will also be part of the new scheme. Benefits on invalidity retirement under the new scheme will, however, not be a permanent pension entitlement but a lump sum.

As with the new State scheme, members of the existing Police Pensions Fund will not be able to transfer to the new lump sum scheme. The reason for this is to prevent members near retirement taking 100 per cent of the pension as a lump sum when commutation under the pension scheme will be restricted to 50 per cent of the pension. It is the Government's intention to allow existing pensioners to convert a greater proportion of their pension to a lump sum. These offers will be phased-in as under the State scheme, and the timing of the offers will be dependent upon the availability of funds in the budget.

The special commutation offers will be attractive to pensioners who generally have a desire for lump sums, and the offers will be attractive to the Government because of the terms. For example, after a pensioner takes a lump sum, future pension will be indexed at 100 per cent of the CPI and not the current 133 per cent of CPI. The Bill also significantly restructures the administrative arrangements. Under the existing Police Pensions Act there is no board of administrators and administrative decisions are made solely by the Public Actuary. This has not been a satisfactory arrangement. The Bill establishes a Police Superannuation Board which will be responsible for administering the Act and the Police Association will nominate two police officers to be members of the board. The remainder of the board will consist of two Government representatives and an independent chairperson.

Over recent times there have been some legal difficulties with the wording under the invalidity provisions of the Police Pensions Act. This has resulted in a former police officer, retired from the Police Force on account of ill-health, not receiving a benefit. On the basis of medical evidence and the Crown Solicitor's advice, the Government agreed that the officer be provided with an *ex gratia* pension until the Act was amended. The provision under clause 5 of the transitional provisions seeks to reinstate the former officer under the invalidity provisions of the Act on the same basis as though he had retired and received benefits on his retirement in July 1989.

An important new provision is being introduced under the Bill. In future all police officers resigning from the Police Force before the age of 55 years will be able to preserve their accrued superannuation benefits. Existing pension scheme members are meeting the cost of this benefit by using 1 per cent of salary from the '3 per cent productivity superannuation benefit'. Transitional provisions clause 4 proposes that the preservation option be effective from 20 November 1989 which is the date the Government and the Police Association agreed on the package of changes to police superannuation.

The Bill before the House not only introduces a new superannuation scheme within acceptable cost parameters for future police officers of this State, but in a very responsible way also restructures the existing but very expensive pension scheme. The restructured scheme will over time bring down the costs of the scheme to the Government. The restructuring will be introduced while at the same time providing benefits for police officers on a par with those available interstate. I accordingly commend the Bill to the House

Clauses 1 and 2 are formal.

Clause 3 repeals the Police Pensions Act 1971.

Clause 4 provides for definitions of terms and for other matters of interpretation.

Clauses 5 to 9 provide for the establishment, procedures and staff of the Police Superannuation Board.

Clauses 10 to 12 provide for the establishment of the Police Superannuation Fund and for the investment and accounts of the fund.

Clause 13 provides for the establishment of contribution accounts in the names of all contributors.

Clause 14 provides for the payment of benefits from the Consolidated Account. The prescribed proportion of benefits paid from the Consolidated Account can be charged against the fund and used to reimburse the Consolidated Account.

Clause 15 provides for annual reports from the board and the South Australian Superannuation Investment Trust to the Minister.

Clause 16 provides that all members of the Police Force must contribute to the scheme.

Clause 17 provides for the fixing of contributions and provides for circumstances in which contributions are not payable.

Clause 18 provides for the accrual and extrapolation of contribution points and other related matters.

Clause 19 will enable the Minister to attribute contribution points and months to a contributor in appropriate cases.

Clause 20 provides for the application of the new scheme. Persons who become cadets after the commencement of the Act will be members of the new scheme but will not contribute until they become members of the Police Force.

Clause 21 sets out benefits under the new scheme on retirement.

Clause 22 provides for benefits on resignation. The clause allows a contributor to preserve his benefits or to carry them over to a new fund.

Clause 23 provides for benefits or preservation on retrenchment.

Clause 24 provides for a disability pension under the new scheme. The pension can be paid for a period not exceeding 12 months (except in special circumstances) and is designed to allow a period for assessment before a contributor is paid benefits on invalidity.

Clause 25 provides for benefits on invalidity.

Clause 26 provides for benefits on death.

Clause 27 provides for application of Part V. Persons who are cadets at the commencement of the new Act are included.

Clause 28 provides for a pension payable on retirement.

Clause 29 provides for a pension payable on retrenchment.

Clause 30 provides for a disability pension.

Clause 31 provides for an invalidity pension.

Clause 32 provides for a pension payable on the death of a contributor.

Clause 33 provides for payment to the estate of a contributor who dies before termination of employment and is not survived by a spouse or eligible child.

Clause 34 provides for resignation and preservation of benefits.

Clause 35 provides for commutation of pensions based on commutation factors prescribed by regulation.

Clause 36 allows for medical examination of invalid pensioners at the instigation and expense of the board.

Clause 37 enables the Minister to require an invalid or retrenchment pensioner to accept appropriate employment. If the employment is not accepted the pension can be suspended.

Clause 38 provides for the date of commencement of a pension.

Clause 39 provides for a review of the board's decisions by the Supreme Court.

Clause 40 provides for the effect of workers compensation on pensions. A pension whether paid to a former contributor, his or her spouse or a child will be reduced by the amount of workers compensation. A pension paid to a former contributor will also be reduced by any wages or salary earnt by the pensioner. These provisions only apply to a pensioner who is below the age of 60 years.

Clause 41 provides that benefits payable to a spouse under the Act must, if the deceased contributor is survived by a lawful and a putative spouse, be divided equally between both spouses.

Clause 42 provides for the indexing of pensions.

Clause 43 provides for the application of money standing to the credit of a contributor's account after all benefits have been paid under the Act.

Clause 44 provides for the payment of money under the Act where the person entitled is a child or is dead.

Clause 45 prevents assignment of pensions.

Clause 46 enables a liability of a contributor under the Act to be set off against a benefit payable to the contributor under the Act.

Clause 47 enables the board to provide annuities.

Clause 48 gives the board access to information.

Clause 49 provides for confidentiality of information as to entitlements and benefits under the Bill.

Clause 50 recognises the complexity of the subject matter of this Bill and gives the board some latitude in applying its provisions to the varied circumstances that are likely to arise in its administration.

Clause 51 is a standard provision.

Clause 52 provides for the making of regulations.

Schedule 1 provides for transitional matters. Clause 2 ensures that existing pensions will continue under the new Act. Clause 3 makes provision for crediting old scheme contributors with contribution points. Clause 4 gives effect to the new resignation and preservation provisions from 28 November 1989.

Schedule 2 provides for contribution rates.

Schedule 3 sets out the value of K used in the retirement formula under the pension scheme (see clause 28).

Schedule 4 makes consequential amendments to the Police Act 1952.

Mr S.J. BAKER secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

The Hon. FRANK BLEVINS (Minister of Finance) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill proposes three amendments to the Stamp Duties Act 1923. Two amendments provide additional concessions for taxpayers whilst the third closes a blatant tax avoidance scheme that has recently been developed. First, it is proposed to amend the principal Act so that persons living in a *de facto* relationship are entitled to the same concession as married persons with respect to stamp duty payable on the transfer of a registration of a motor vehicle. *De facto* relationships are already recognised under the Stamp Duties Act for the purposes of exemption from stamp duty on the transfer of an interest in a matrimonial home. This amendment will result in a uniform policy in the motor vehicle area.

Secondly, it is proposed to amend the principal Act so that the period during which a refund can be made of stamp duty paid on a registration or transfer of registration of a motor vehicle where the vehicle is returned to the dealer from whom it was acquired, is extended from 30 days to three months. Currently, in many situations problems with a vehicle become apparent after the 30-day period has elapsed and in these instances owners of the vehicles are required

to pay stamp duty again on any replacement vehicle provided by the dealer. An extension from 30 days to three months is more consistent with the general warranty period on the sale of goods in the commercial sphere and is consistent with the warranty provisions of the Second-hand Motor Vehicles Act 1983. Defects in motor vehicles do not always become apparent within 30 days and three months is considered a more realistic time.

Thirdly, it is proposed to amend the principal Act so that sales or gifts of property or interest in property that together form or arise from substantially one transaction or one series of transactions, are charged at the rate of duty that would apply if there were only one sale or gift. The current provision, section 66ab, applies only to land or interests in land being conveyed. Section 66ab was enacted in 1975 to counteract the tax avoidance practice of dividing land into smaller portions to avoid increased rates of stamp duty on higher value transactions. The same problem has again arisen but in relation to other property, such as businesses and units in a unit trust. For example, one business was sold by way of 60 agreements between the same parties instead of by the normal commercial practice of execution of one document and instead of transferring 400 units in a unit trust scheme by means of one document, the vendor and purchasers executed 400 separate transfers of one unit each.

Clause 1 is formal.

Clause 2 amends section 42b of the principal Act to include *de facto* spouses within the provision that reduces to one-half the stamp duty on a transfer of registration of a motor vehicle from the registered owner into joint names with his or her spouse, or from two registered owners who are married into the name of one of them. A *de facto* spouse will be defined as a person who has been cohabitating continuously with his or her partner for at least five years. New subsection (7) will strengthen the ability of the Commissioner or the Registrar of Motor Vehicles to require information to substantiate a claim for an exemption from, or a reduction in, the stamp duty payable under section 42b.

Clause 3 repeals section 42c of the principal Act on account of the inclusion of new section 42b (7).

Clause 4 extends from 30 days to three months the period under section 42d of the principal Act within which a person may return a motor vehicle and claim a refund of stamp duty paid on the registration (or the transfer of registration) of the motor vehicle.

Clause 5 makes a consequential amendment to section 42e of the principal Act as a result of the repeal of section 42c.

Clause 6 provides for the repeal of sections 66a and 66ab of the principal Act and the enactment of a new section 67. The purpose of the new provision is to extend the operation of the existing legislation to counteract not only the practice of conveying land by separate instruments to avoid higher rates of duty, but also the practice of dividing other forms of property into separate parcels or interests and then conveying those parcels or interests by separate instruments to avoid higher rates of duty. The provision will only apply if the instruments arise from a single contract of sale, or together form, or arise from, substantially one transaction or one series of transactions. The legislation will apply not only to conveyances on sale and conveyances operating as voluntary dispositions, *inter vivos*, but also to other instruments that are chargeable with duty as if they were conveyances. The provision will not apply to conveyances where transferees are taking the property separately and independently from each other, to conveyances of stock, implements or other chattels where section 31a applies, to conveyances on sale of marketable securities, or to prescribed classes of instrument.

Clause 7 strikes out subsections (1) and (2) of section 68. These subsections are not used in practice. Any situation to which they might apply is subject to the operation of section 66a or 66ab of the principal Act, and will be subject to the operation of new section 67. Under that provision, the Commissioner will have the power to apportion duty between the various instruments. The subsections may therefore be removed.

Clause 8 provides for the repeal of section 69. Again, section 69 is not used in practice. Its operation would always be subject to the operation of section 67. It is therefore proposed to repeal the section.

Clause 9 strikes out subsection (10) of section 71e. Section 71e (10) provides for the aggregation of transactions between the same parties for the purposes of section 71e. The provision may be removed as new section 67 (4) will provide for the aggregation of instruments (including instruments chargeable with duty as if they were conveyances) executed by the same parties within any 12 month period (unless the Commissioner is satisfied that the instruments do not form one transaction or one series of transactions).

Mr S.J. BAKER secured the adjournment of the debate.

CORRECTIONAL SERVICES ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Correctional Services) obtained leave and introduced a Bill for an Act to amend the Correctional Services Act 1982. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Prisoner Allowances

The prisoner allowance system, which was the subject of a recent Supreme Court challenge before Justice Olsson by prisoners at Yatala Labour Prison, was first implemented about one year prior to the proclamation of the Correctional Services Act 1982, on 19 August 1985. That original system had a base rate of 10c per day, which provided prison managers with an important management tool where prisoners were persistently uncooperative, disruptive or threatening. This base rate was rarely used and even when it was such prisoners were still supplied free of charge with basic and personal requirements such as toiletries, paper, pens, stamps, and the like.

Until August 1986, remand prisoners, those unemployed, sick, disabled or unable to be employed through no fault of their own, did not qualify for any additional allowance. At that time an *ex gratia* payment was approved for this group of special category prisoners to enable them to buy personal items such as tobacco and confectionary, and to make phone calls.

Having regard to the need for hygiene and self-discipline, the crediting of these *ex gratia* payments was made subject to such prisoners keeping themselves and their cells and adjacent recreation areas clean and tidy. Before Justice Olsson's judgment these prisoners were paid $2.50 per week

day if they met these obligations. It was a very rare occasion when it was found necessary to drop a prisoner's personal allowance to the basic 10c per day.

To understand the need for the pay system which was criticised by Justice Olsson, it is also necessary to be familiar with the events which led up to his order of 5 January 1990 and his subsequent judgment. Commencing in mid-September 1989, prisoners at Yatala Labour Prison had carried out group acts of sabotage in the workshops, which included fires, damage to firefighting equipment, damage to expensive machinery and materials, and the 'hot wiring' of machinery and other electrical equipment, with the obvious intention of killing correctional industry officers or other prisoners. During this period, each time a workshop was forcibly closed the prisoners were paid 10c for that day, but a lenient and non-provoking interpretation of the allowance scheme was applied, and for each day thereafter that the workshop remained closed for repairs, the prisoners continued to receive the $2.50 per day personal allowance.

The prisoners were given numerous opportunities to return to work in a responsible way, but the sabotage continued and the Department of Correctional Services had no alternative but to reinforce the principle of the original pay system of 1984, where the clear intention was to reward those prisoners who made a reasonable effort in the workplace, while those who continued to demonstrate disruptive and dangerous behaviour would receive a minimal allowance.

The justification for applying such a rule was further demonstrated when the Department of Labour imposed an 'improvement notice' on the Yatala workshops declaring them 'an unsafe work environment'. This notice was only subsequently lifted when the rules were tightened to prevent the payment of the personal allowance to disruptive and destructive prisoners. Most people would agree that this was not unjust treatment to people who at this stage had 'cost' taxpayers many thousands of dollars in the repair and modification of machinery, together with lost production and the exposure of officers to life-threatening danger.

Justice Olsson's order of 5 January 1990 forced the Department of Correctional Services to pay the personal allowance to the 'B' Division prisoners who had carried out the damage and were then taking part in a costly and disruptive sit-in. The department then sought and gained the approval of the Minister of Correctional Services and the Treasury to make some adjustments to the prisoner allowance system designed to remove any ambiguity that existed and to more accurately carry out what was believed to be the intention of the Act. The amended system retained a basic rate (10c per day), as section 31 (1) of the Act demanded. In order that the majority of prisoners were not disadvantaged, *ex gratia* payments were approved as incentive payments for productivity in the workplace and personal allowances for those genuinely unemployed through no fault of their own and those making a genuine effort at rehabilitation through education.

Justice Olsson declared the *ex gratia* payments to be unlawful. The consequences were:

(a) prisoners not working were only entitled to the section 31 (1) allowance; that is 10c per day, Monday to Friday inclusive; and

(b) those working were only entitled to the 'further allowance' under section 31 (2); that is a skill payment averaging a total of about $3.25 per week.

The average weekly allowance credited to prisoners who worked was previously some $24.

Currently, remand, sick, unfit or segregated prisoners are receiving the 10c allowance under section 31 (1), but in order that these people are not disadvantaged as a result of Justice Olsson's judgment, they are now receiving in addition to the normal issues of items such as toothpaste, toothbrushes, razors, shaving cream, paper, pens, stamps etc, additional goods up to the value of $10.50 per week.

The Government believes that the Supreme Court judgment has deprived both the department of an essential management tool and prisoners of the incentive to perform a satisfactory day's work. I do not believe that either of these positions is what Parliament envisaged when the current section 31 was enacted. The insertion of the provision empowering the Minister to establish a system of bonus payments will enable the Department of Correctional Services to provide a real financial incentive for prisoners, whether they are able to work or not, to display a positive attitude and/or apply themselves to whatever tasks they are directed to carry out. That financial incentive will be complemented by the provision of other amenities and privileges which will only be made available to those prisoners who earn the right to be eligible to the aforementioned bonus payments.

Prisoners' Access to Money Other Than Prison Allowances

It would be futile, of course, if those prisoners whose deliberate choice it was not to work and who therefore were credited with a minimal weekly allowance, were able to escape the financial consequences of their decision by drawing upon moneys deposited for them by persons from outside the institutions. Accordingly, an amendment is sought to section 89 of the Act which would enable the making of a regulation under the Act designed to effect some proper and reasonable limit on the amount of money which may be drawn by prisoners from moneys held to their credit, and thereafter applied to the purchase of items from the prisoners' canteen.

Resettlement

There is a significant history behind the deduction from prisoners' earnings of amounts to be put aside to assist them upon their release from prison. Whilst the department has for many years effected such a deduction, it has not previously sought to have inserted into the Act a provision concerning same. Very few offenders have ever arrived to serve a sentence of imprisonment with a substantial amount of money to be placed in their trust account. The majority of prisoners are, and have been in the past, poor financial managers. This is a contributory factor in the constellation of factors which places those offenders and their families in a cycle of poverty and crime.

The statutory and voluntary social welfare network provides a level of financial support to the families of offenders whilst the offender is in prison. Anecdotal evidence frequently arises indicating that, for some families, this is a rare period of financial stability. Evidence also arises showing that some prisoners do save from their earnings and contribute to their family finances whilst in custody.

Many prisoners however, do not save any of their earnings. This became an issue politically in the 1970s, when several specific cases were cited. The cases concern prisoners who had served significant sentences, that is, periods of imprisonment of several years, who when released had walked out of the gate of the institution with no money or possessions. In some cases the only clothes they possessed were one set of second-hand garments which they were wearing, obtained from a voluntary welfare agency. The department was severely criticised for permitting such a state of affairs, and with Governmental support developed the administrative procedure of the resettlement allowance. The resettlement allowance was seen as a form of compulsory saving.

Since that time, the procedure has ensured the prisoners, and particularly longer sentenced prisoners, had access to funds during their pre-release phase and at the point of release. The department does not provide any form of assistance to released prisoners in terms of money and goods, other than travel warrants where appropriate. The assistance provided is in terms of professional counselling support, and welfare brokerage on behalf of the prisoner with welfare agencies. Such support becomes inappropriate if the released prisoner cannot obtain the basic necessities of clothing, food and shelter. Volunteer agencies provide a network of care into which prisoners can access. However, their resources are limited and in a small number of cases released prisoners have been blacklisted by the agencies for understandable reasons.

Immediately upon release, an eligible prisoner can collect two weeks benefit from the Department of Social Security. However, the prisoner then has to wait a further two weeks and receive one week's entitlement, wait another two weeks and receive two week's entitlement. In addition, emergency housing assistance can be sought for those eligible and again additional assistance can be sought from the volunteer sector.

However, two week's entitlement will not provide for all the basic needs of a released prisoner. If a prisoner is to participate in a pre-release program there may well be a requirement for civilian clothing to be obtained, and some form of equipment or tools of trade appropriate to the specific program obtained as well. The prisoner will need funds for that. If released into the community on parole, home detention or to straight freedom, the immediate circumstances are a crucial factor in the setting of attitude of the prisoner to return to the community. The first few days, and certainly the first three months, are the most difficult and crucial period. It has been established by research that successful reintegration in the first three months significantly reduces the rate of recidivism. An empty pocket at the prison gate removes much hope and feelings of self worth in any released prisoner.

The Department of Correctional Services believes that it has a duty of care for all offenders who come within its control. That duty includes exercising some level of coercion to precipitate chances for individual change. With probation and parole orders this is done every day by enforcing adherence to conditions requiring probationers and parolees to participate in, or refrain from, a range of activities determined by the criminal justice system to be in the best interests of the offender and the community. A significant segment of political and public opinion supports a universal, compulsory superannuation scheme for all workers as a protection against that period of need when the worker retires from the work force. The Department of Correctional Services considers as part of its duty of care the moral responsibility to ensure that prisoners are released in the most favourable circumstances back to the community. Compulsory saving via the resettlement allowance is a critical factor in creating such favourable circumstances.

Parole Provisions

The amendment sought to section 74 of the Act proposes a tightening of the section to protect the board from inadvertently ordering a term of imprisonment for breach of conditions which would exceed the terms of imprisonment the defaulting parolee was sentenced to serve. The insertion of a new subsection into section 74 seeks to increase the flexibility of the board in dealing with breaches of conditions of parole (other than designated conditions). At present, the board has only two choices in dealing with a breach of condition, namely, to warn the parolee, or direct the parolee to serve a period of imprisonment up to six months. Breaches often warrant more positive action than a warning, but not a return to custody. The proposed new subsection provides a third alternative via ordering a limited period of community service.

The amendment proposed to section 75 clarifies the situation where a parolee offends during parole and is given a sentence of imprisonment which is suspended upon condition that he enter into a bond, and who subsequently breaches that bond, and has the supervision revoked, and is thus gaoled. Such revocation will effect a cancellation of the prisoner's parole, and the offender will have to serve in prison the period of parole unexpired as at the date of the offence for which the offender was given the suspended sentence.

Clause 1 is formal.

Clause 2 provides for commencement of the Act by proclamation.

Clause 3 is an amendment that is consequential upon clause 7 of the Bill.

Clause 4 provides that the Minister may establish a system of bonus payments as an incentive to prisoners for putting effort into work or other duties and for displaying a positive attitude. These payments will be at the discretion of the manager of the prison and will be extra to the bare allowances payable under subsections (1) and (2). Provision is also made for the establishment of separate accounts for the resettlement of prisoners on discharge from prison. Up to one-third of a prisoner's total income from weekly prison allowances can be credited to a resettlement account. The funds in a resettlement account cannot be drawn upon during the prison term unless the prison manager thinks special reason exists for doing so.

Clause 5 provides that the Parole Board's powers to issue a summons, etc., are exercisable for the purposes of its functions under this Act or any other Act (for example, the Criminal Law (Sentencing) Act).

Clause 6 recasts this provision to make it quite clear that the power of the Parole Board to return a parolee to prison for breach of a non-designated parole condition can only be for the balance of the parole period (between the date of the breach and the date of the expiry of the parole), or six months, whichever is the lesser.

Clause 7 inserts a new provision that gives the Parole Board the power to impose a further parole condition requiring a parolee who has breached a non-designated condition to perform up to 200 hours of community service, as an option to returning him or her to prison pursuant to the previous section. The usual provisions relating to community service apply. If the parolee is imprisoned for any reason during the community service period, the community service condition is automatically revoked.

Clause 8 amends the section dealing with the automatic cancellation of parole if a parolee is sentenced to imprisonment for an offence committed while on parole. It is made clear by these amendments that, if the sentence of imprisonment is suspended but that suspension is subsequently revoked by the court, the parolee is then liable to serve the balance of the earlier sentence.

Clause 9 is a consequential amendment.

Clause 10 provides that the regulations may restrict the amount that may be drawn by a prisoner from his or her prison account at any one time or over a specified period.

The Hon. D.C. WOTTON secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The main purpose of this Bill is to amend the Motor Vehicles Act 1959, to facilitate the introduction of an on-line computer system by simplifying the procedures set out in the Act for the issue, renewal and transfer of registration of motor vehicles and the issue and renewal of driver's licences and learner's permits. In addition to simplifying existing procedures it is desirable to tighten up the transfer procedures to deter manipulation of the system by those involved in car theft rackets and thereby protect vehicle buyers. The opportunity is being taken to also make some housekeeping amendments to the Act. These are set out in the explanation of clauses.

The Bill provides for the issuing of a new temporary permit to drive an unregistered motor vehicle in a case where an application for registration or renewal of registration cannot be processed immediately. There will be occasions during normal business hours when the computer system will be down and it will not be possible to complete the processing of applications. If the Registrar decides to grant registration, a permit to drive the vehicle without registration will be issued to provide cover to the client until the transaction is completed. The permit will be issued free of charge because subsequent registration will date from the time that the permit was issued. The permit will expire when the registration label issued in respect of the vehicle is affixed to the vehicle or on the expiry date specified in the permit, which ever occurs first.

If the Registrar returns an application for registration or renewal of registration, the person may apply for a permit to drive the vehicle without registration and a permit may be issued by the Registrar on payment of a nominal fee, to be prescribed by regulation, and insurance premium to cover the term of the permit. If the Registrar subsequently grants registration on an application made after the issue of the permit, the registration will commence on the day that it is effected. The permit will expire, if registration is subsequently granted, when the registration label issued in respect of the vehicle is affixed to the vehicle or on the expiry date specified in the permit, whichever occurs first. If registration is refused, the permit will expire on the date shown in the permit.

The Bill also amends the Act to empower the Registrar to return an application for registration or renewal of registration and any money paid. Applications are often received without full particulars and in some cases without sufficient information to determine the fee payable. Processing and recording can be significantly simplified if applications can be returned where all requirements for registration have not been met.

The Bill also provides for the issue of a new temporary licence or learner's permit where an application for the issue or renewal of a licence or permit cannot be processed immediately. If the Registrar decides to grant a licence or permit, a temporary licence or permit will be issued to provide cover to the client until the transaction is completed. The temporary licence or permit will expire on the expiry date specified in the licence or permit.

The Bill also empowers the Registrar to return an application for the issue or renewal of a licence or learner's permit if the application is not properly completed or the correct fee is not paid. In such a case a person may apply for a temporary licence or learner's permit. A temporary licence or learner's permit issued in such a case will expire on the expiry date specified in the licence or permit or on the day that a proper application for a licence or permit is determined by the Registrar, whichever occurs first.

The Bill proposes to simplify procedures for the transfer of registration. The old owner will be required to give the new owner the current certificate of registration or a current duplicate issued in the name of the old owner. This means that a person disposing of a vehicle currently registered under the Act and intending to authorise transfer of the unexpired registration and insurance to the new owner must have transferred the registration of that vehicle into their name to be in possession of a current certificate of registration.

This procedure will ensure that transfers of motor vehicle registration are only accepted and processed in strict order of the sequence of change of ownership. Where an applicant is unable to effect a transfer of registration in accordance with the new proposed procedures, the other option will be for the new owner to apply for registration of the vehicle in their name. This application would be subject to the possibility of a police inspection and subsequent check against stolen vehicle records. A more accurate record of changes of vehicle ownership will result, with a reduction in avoidance of transfer fees and stamp duty.

Currently the form of application to transfer registration is printed on the reverse of the certificate of registration together with a notice of transfer of the vehicle. Under the new procedures the old owner will not be required to notify the Registrar of the transfer. Instead, a notice of transfer will be required to be completed and signed by both vendor and purchaser and retained by the vendor as proof that he or she has disposed of the vehicle. This notice will be printed on the back of the certificate of registration.

To cover the transfer of vehicles in respect of which a certificate printed with forms for the existing procedure has been issued, new forms will be made available but the current certificate of registration issued in the transferor's name will still have to be given to the transferee to be lodged with the new application form unless the transferee opts to apply for fresh registration in his or her name. The Bill increases the time allowed for lodging an application to transfer registration from seven days to 14 days after the transfer. Experience has shown that many people find the seven day period too short a time in which to complete transfer requirements, particularly if a public holiday falls within the period.

The Bill also gives the Registrar power to record a change of ownership of a registered motor vehicle but without actually registering the vehicle in the new owner's name or removing the old owner's name from the register of motor vehicles and provides for a notice of transfer under new section 56 *(b)* (iii) to be, in the absence of proof to the contrary, proof, in all legal proceedings, of a change of ownership of a registered vehicle. These provisions are designed to protect the old owner from legislation which makes the registered owner guilty of an offence (that is, the parking provisions of the Local Government Act 1934, and the photographic detection device provisions of the Road Traffic Act 1961), even though he or she may have disposed of the vehicle and no longer has possession of it.

Where a vehicle has been registered at a reduced registration fee, transfer of registration is not permitted under the Act unless the new owner satisfies the Registrar that he or she is entitled to the same reduction in fees. The opportunity is being taken in this Bill to amend section 42 of the Act to provide that in such a case registration may also be transferred if the balance of the fee in respect of the unexpired portion of registration is paid. This will take away the need for a new owner who is unable to satisfy the Registrar of their entitlement to a reduction in fee to apply for fresh registration in their own name.

Section 60 of the Act provides that if the registration of a vehicle is neither cancelled nor transferred within 14 days after the transfer of ownership of the vehicle the registration becomes void and the Registrar cannot transfer the registration but must cancel it. The Bill amends the section to give the Registrar a discretion whether to cancel registration.

The Bill provides for various permits issued under the Act in relation to motor vehicles to be carried in vehicles in accordance with the regulations rather than to be affixed. This will simplify the issue of permits to drive a motor vehicle without registration and permits to drive a motor vehicle the registration label in respect of which has been lost or destroyed. A label for affixing to the windscreen, in addition to the paper permit, will not be required.

The Bill removes the need for the Registrar to issue registration labels in respect of Government vehicles. Government vehicles are clearly identifiable by the blue and white Government number plates and the issue of a continuous Government label for affixing to the windscreen is unnecessary.

The amendments to the Act contained in this Bill are of the highest priority because it is not possible to finalise the design of some parts of the on-line computer system until the precise details of the legislation passed by Parliament is known. I commend the Bill to members.

Clause 1 is formal.

Clause 2 provides for commencement on a day to be fixed by proclamation. Clause 3 amends section 5 of the principal Act, an interpretation provision, by inserting a definition of 'registration' to ensure that registration includes re-registration or renewal of registration.

Clause 4 repeals section 16 of the principal Act and substitutes a new provision. New section 16 rationalises and consolidates the provisions relating to permits to drive an unregistered motor vehicle contained in existing sections 16 and 49 of the Act and regulation 11a of the Motor Vehicles Act Regulations 1968.

Subsection (1) empowers the Registrar to issue a permit to the owner of a motor vehicle authorising the vehicle to be driven on roads without registration in the following cases: where an application for registration is made but the Registrar is unable to determine the application without delay; where the Registrar decides to grant registration but is unable to effect registration without delay; where a person applies for a permit following the return by the Registrar of an application for registration or where a person applies for a permit in prescribed circumstances or in circumstances in which, in the Registrar's opinion, it is unreasonable or inexpedient to require a motor vehicle to be registered. In the latter two cases the prescribed fee and an insurance premium are payable. The term 'prescribed circumstances' is intended to cover those cases in which a permit may be issued under regulation 11a (1) *(a)* to *(d)*. Regulation 11a (1) *(e)* currently covers the fourth case. Subsection (1) also empowers the Registrar to impose appropriate conditions on a permit.

Subsection (2) re-enacts existing section 16 (1) which empowers a member of the Police Force stationed at a police station situated outside a radius of 40 kilometres from the Adelaide GPO to issue to a person who has sent an application for registration of a motor vehicle not previously registered in that person's name to the Registrar in Adelaide a permit authorising the vehicle to be driven without registration.

Subsection (3) requires a permit to be in a form determined by the Minister. Subsection (4) re-enacts existing sections 16 (2) and 49 (2) which gives a motor vehicle in relation to which a permit has been issued the status of a registered vehicle. Subsection (5) re-enacts existing sections 16 (3) and 49 (3) which provide third-party bodily injury insurance cover in respect of a vehicle for which a permit has been issued.

Subsection (6) re-enacts existing section 16 (7) which provides that where an application for registration made before the issue of a permit is subsequently granted, registration will be taken to have commenced from the time of the issue of the permit. Subsection (7) re-enacts sections 16 (4) and 49 (4) which set out when a permit expires. Subsection (8) re-enacts existing sections 16 (5) and 49 (5) and regulation 11a (3) in a slightly altered form. Whereas the existing provisions require a permit to be affixed to the vehicle to which it relates in the position prescribed for the carriage of a registration label, the new provision requires carriage of the permit in the vehicle in accordance with the regulations.

Subsection (9) provides that a person must not drive on a road a motor vehicle in respect of which a permit under this section is in force unless the permit is carried in the vehicle in accordance with the regulations. The maximum penalty is a division 11 fine ($100). This provision is similar to those contained in existing sections 16 (6) and 49 (6).

Subsection (10) empowers the Registrar to revoke a permit if a condition of the permit is contravened. This provision is currently found in regulation 11a (4) but has no counterpart in existing section 49 although the section empowers the Registrar to impose conditions. Subsection (11) provides that a person who contravenes a condition of a permit is guilty of an offence. The maximum penalty is a division 10 fine ($200). Again this provision is currently in regulation 11a (5) but is lacking in section 49.

Subsection (12) empowers the Registrar to issue a duplicate permit if he or she is satisfied that a permit issued under subsection (1) has been lost or destroyed. This provision currently exists in regulation 11a (6) but is lacking in section 49. Subsection (13) empowers a member of the Police Force to issue a duplicate permit if he or she is satisfied that a permit issued under subsection (2) has been lost or destroyed. This provision is lacking in existing section 16.

Subsection (14) re-enacts existing section 49 (9) which empowers the Registrar to refund part of the registration fee where the Registrar is unable to grant registration and extends it to cover the case where a permit is issued by a member of the Police Force. Subsection (15) re-enacts the interpretation provision in existing section 16 (8).

Clause 5 amends section 20 of the principal Act to remove the reference to renewal of registration which is unnecessary because of the definition of registration inserted by clause 3 of this Bill.

Clause 6 inserts new section 21 to give the Registrar power to return an application for registration of a motor vehicle and any money paid in respect of the application in the following cases: where the application is not entirely in order; where the full amount payable to the Registrar in

respect of the application has not been paid; where the owner of the vehicle is unable to provide all the necessary information at the time of the lodging of the application; where the Registrar requires the particulars of the application to be verified; where a court has ordered a vehicle not be registered until some condition has been complied with and the condition has not been complied with.

Clause 7 repeals section 42 of the principal Act and substitutes a new provision to make the registration of a motor vehicle registered at a reduced registration fee transferable if the balance of the prescribed registration fee is paid.

Clause 8 amends section 48 of the principal Act so that there is no longer a requirement for the Registrar to issue registration labels in respect of vehicles registered under the continuous registration Government scheme or for a registration label issued in respect of such a vehicle to be displayed in the vehicle.

Clause 9 repeals section 49 of the principal Act.

Clause 10 amends section 50 of the principal Act to provide for the carriage of permits under that section in accordance with the regulations instead of the affixing of permits.

Clause 11 amends section 51 of the principal Act to provide for the carriage if permits under that section in acoordance with the regulations instead of the affixing of permits.

Clause 12 amends section 53 to delete references to the affixing of permits and to refer to the carriage of permits in accordance with the regulations.

Clause 13 amends section 56 of the principal Act which sets out the obligations of the transferor of a motor vehicle. Instead of the existing requirement that if the transferor does not apply for cancellation of registration of the vehicle he or she must give the Registrar a notice of transfer of the vehicle, the new provision requires the transferor to hand over to the new owner the current certificate of registration or a current duplicate, to sign an application to transfer the registration of the vehicle and to sign, in the presence of the transferee, a notice, in a form determined by the Minister, of the transfer of ownership of the vehicle.

Clause 14 repeals section 57 of the principal Act and substitutes a new provision. This section sets out the obligations of the transferee of a motor vehicle. The new section extends the time for lodging an application to transfer the registration from seven to 14 days and makes the section apply when the transfer of ownership of a vehicle occurs not later than 14 days before the expiration of its registration instead of not later than seven days. The new provision also requires the transferee to lodge the current certificate of registration or a current duplicate with the application to transfer registration. The transferee is required, within seven days after the transfer, to sign, in the presence of the transferor, a notice of the transfer.

Clause 15 inserts new section 57a into the principal Act to make it clear that the Registrar has power to record a change of ownership of a registered motor vehicle without actually registering the vehicle in the name of the new owner or removing the name of the old owner from the register.

Clause 16 makes a consequential amendment to section 58 of the principal Act to remove the need for a notice of sale to be lodged before the Registrar can transfer the registration of a vehicle and to instead require the current certificate of registration or a current duplicate to be lodged.

Clause 17 amends section 60 of the principal Act so that if the registration of a motor vehicle is neither cancelled nor transferred within the allowed time the registration is no longer automatically voided and the Registrar is no longer required to cancel the registration but has a discretion.

Clause 18 amends section 74 of the principal Act by substituting a division 8 fine ($1 000) instead of the division 10 ($200) fine. This amendment corrects a mistake made when section 3 of the Motor Vehicles Act Amendment Act (No. 3) 1989 (Act No. 35 of 1989) purported to strike out a reference to 'Two hundred dollars' which had already been struck out in the schedule of Statute Law Revision amendments to the Motor Vehicles Act Amendment Act 1989 (Act No. 11 of 1989) which was already in operation.

Clause 19 amends section 75 of the principal Act by removing the provisions relating to temporary licences (to be transferred by this Bill to new section 77c) and by empowering the Registrar to return an application for a licence that is not entirely in order or in relation to which the prescribed fee has not been paid.

Clause 20 amends section 75a of the principal Act to make it clear that the Registrar has the power to renew a learner's permit and to empower the Registrar to return an application for a learner's permit that is not entirely in order or in relation to which the prescribed fee has not been paid.

Clause 21 repeals section 77c of the principal Act which provides for the issue of a temporary licence or temporary learner's permit pending the preparation and delivery of a licence or permit that bears a photograph of the holder and substitutes a new provision that sets out the following additional cases where the Registrar may issue a temporary licence or temporary learner's permit: where the Registrar is unable to determine an application for a licence or learner's permit without delays; where a person applies for a temporary licence or temporary learner's permit following the return of an application by the person for the issue or renewal of a licence or permit or in circumstances in which, in the Registrar's opinion, the issue of a temporary licence or temporary learner's permit is justified (already the case in respect of temporary licences under section 75). The new section also requires temporary licences and temporary learner's permits to be in a form determined by the Minister and sets out when such a licence or permit expires.

Clauses 22 to 24 amend, respectively, sections 79b, 81 and 84 of the principal Act to make it clear that those sections apply in relation to the renewal of licences and learner's permits.

Clause 25 amends section 99a of the principal Act to remove the reference to renewal of registration which is unnecessary because of the definition of registration inserted by clause 3 of this Bill.

Clause 26 amends section 138b of the principal Act to make it clear that it applies in relation to the renewal of licences and permits.

Clause 27 inserts new section 142a into the principal Act to provide for a notice of transfer of ownership of a motor vehicle under section 56 *(b)* (iii) to be, in all legal proceedings, proof of the matters stated in the notice, in the absence of proof to the contrary.

The Hon. D.C. WOTTON secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL (No. 3)

The Hon. FRANK BLEVINS (Minister of Finance) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act 1923. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to insert a new Part in the Stamp Duties Act 1923 to counter a blatant tax avoidance scheme and thereby prevent stamp duty revenue from being lost as a result of certain transactions being arranged in a manner which minimised the liability to duty. Under the current provisions of the Stamp Duties Act instruments of transfer of company shares are charged at a substantially lower *ad valorem* rate of stamp duty than that charged on conveyances of land (60 cents per $100 as opposed to a progressive rate up to $4 per $100 respectively).

For the scheme to operate land is placed in a company ownership. Prospective purchasers of the land are invited to take a transfer of the shares in the company rather than the land directly. By this means duty is not paid on the value of the land as occurs in respect of the overwhelming majority of land purchases but instead duty is only paid on the net value of the shares.

Recently, a number of instances have been identified whereby taxpayers have minimised their stamp duty liability by exploiting this rate differential in the manner indicated above. Three such instances investigated identified a revenue loss of approximately $1.3 million. An increasing use of such schemes is being made by land owning companies or unit trusts to facilitate the transfer of real property. This scheme is neither fair nor equitable to those taxpayers who buy or sell real property without being able to utilise a corporate vehicle.

This Bill seeks to counter the abovementioned scheme by providing that certain transactions involving the transfer of real property by way of shares in an unlisted company or units in a non-listed unit trust be taxed at land conveyance rates in respect of the underlying land. The provisions of the Bill are by necessity quite complex but the essential criteria which must be present before the proposed provisions would operate are as follows:

1. More than 50 per cent of the total equity in a non-listed land owning company or non-listed land owning unit trust must be acquired within a two year period.

2. The non-listed land owning company or non-listed land owning unit trust must own land which has an unencumbered value in excess of $1 million.

3. The value of the land must comprise more than 80 per cent of the value of the total assets of the company or the unit trust. It can be seen from the above criteria that the amendment will not impact on the average property transaction.

In addition the Bill contains a significant number of exemptions to ensure that the provisions do not impact upon a wide range of well established transactions. Subject to certain conditions being met, exemptions include:

Receiver or trustee in bankruptcy
Liquidations
Executor or Administrator of deceased estates
Acquisitions as a result of certain court orders
Survivorship
Deceased estates
Dissolution of marriage
Situations where duty has already been paid on another instrument
Amalgamation of two or more bodies incorporated under an Act of the State
Transfers or undertakings under an Act of the State
Acquisitions by a beneficiary of a trust
Transfer of an interest from a trustee to a beneficiary.

The Bill does not apply to any acquisitions occurring before the commencement of the new provisions or any acquisitions arising out of an agreement entered into before the commencement of the new provisions.

In addition, the Government is keen to ensure that the legislation does not impact on normal commercial financing arrangements and has made special provision to exclude acquisitions which have been effected for the purpose of securing financial accommodation. The Bill is clearly aimed at those persons who artificially arrange their affairs to avoid or minimise the payment of stamp duty. All other Australian States and Territories have now enacted similar legislation to combat this avoidance technique.

A copy of the Bill was released on a confidential basis to a committee representing the Taxation Institute of Australia (S.A. Branch), the Law Society, the Institute of Chartered Accountants and the Australian Society of Accountants. Extensive submissions were received which were evaluated and many were incorporated into the Bill. The Government is most appreciative of the contributions made.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 has the effect of transferring three definitions used in section 71 of the principal Act to section 4 of the principal Act so that they can also be used for the purposes of new Part IV.

Clause 4 will ensure that section 60a of the principal Act does not apply to new Part IV.

Clause 5 makes various consequential amendments to section 71 of the principal Act.

Clause 6 proposes an amendment to section 90e. A review of the application of the Act to share transfers has identified an amendment that should be made to section 90e on account of the operation of section 71 (5) *(e)* of the Act. Section 71 (5) *(e)* (ii) (B) operates in relation to an instrument stamped with *ad valorem* duty. As the Act presently stands, if duty is paid on an instrument under section 90e, the instrument is deemed to have been duly stamped for the purposes of the Act, but no reference is made to *ad valorem* duty. The instrument cannot therefore receive the benefit of section 71 (5) *(e)* (ii) (B) in an appropriate case. The amendment will correct this situation.

Clause 7 proposes the enactment of new Part IV. Section 91 sets out the various definitions that are to be used in the new Part. The new Part will apply to various acquisitions in a private company or unit trust scheme, or to the acquisition of a land use entitlement, provided that certain criteria are satisfied. To ensure that the concept of acquisition encompasses various techniques that can be employed to create, change, vary or increase an interest in a private company or scheme, 'acquisition' is defined to include various matters. A 'private company' is defined as an incorporated company none of the shares of which are listed for quotation on a stock exchange. A private unit trust scheme is defined as a scheme that is not the subject of an approved deed under the Companies (South Australia) Code, or a scheme that, although subject to such a deed, does not have units that have been issued to the public, has less than 50 persons who are beneficially entitled to the scheme, or has less than 20 persons who are beneficially entitled to 75 per cent or more of the total issued units of the scheme. The concept of land use entitlement is defined as an interest in a private company or scheme which gives the person acquiring the interest an entitlement to the exclusive possession of real property in the State. The section also sets out

various other matters related to the terms and operation of the provisions.

Section 92 deals with various preliminary matters. An essential element to the operation of the provisions is the extent of a private company's or scheme's entitlement to property. Under section 92 (2), a private company or scheme will be taken to be entitled to property if the property is owned by the company or scheme, is owned by a private company or scheme that is a subsidiary of the company or scheme, or is held under a discretionary trust where the company or scheme (or a relevant subsidiary) is an object of the trust.

Section 93 sets out various acquisitions in relation to which the provisions will not apply.

Section 94 imposes the requirement to lodge a statement under the provisions if a person acquires a relevant interest in a private company or scheme that is within the ambit of the legislation. The legislative scheme does not apply unless the person acquires a majority interest, or an interest that results in the person obtaining a majority interest. The interest of a related person (as defined) may also be taken into account. The scheme also requires that the private company or scheme be entitled to real property that represents at least 80 per cent of the total value of all of its property, and that the value of the real property must be at least $1 million.

Section 95 provides for the imposition of duty on the statement. An allowance will be made for duty paid in respect of a prior acquisition, or on any other relevant interest.

Section 96 imposes the requirement to lodge a statement if the person acquires a land use entitlement in a private company or scheme.

Under section 97, duty will be assessed on the unencumbered value of the real property that is subject to the land use entitlement. Section 98 makes a special allowance for certain transactions. Section 99 empowers the Commissioner to require a person who is obliged to lodge a statement to supply information or evidence as to the value of any relevant real property.

Section 100 deems a statement to be an instrument executed by the person who is required to lodge the statement. Sections 101, 102, 103 and 104 allow the Commissioner to impose a charge on real property in respect of the assessment and payment of duty. Section 105 allows the Commissioner to reassess duty in certain cases.

Section 105a requires a private company to notify the Commissioner when a person acquires a relevant interest or land use entitlement in the company. Section 105b provides that nothing in the new Part prevents a person who pays duty from recovering the amount from another person. Section 105c allows a private company or scheme to pay the duty charged against a person who acquires a relevant interest or land use entitlement in the company or scheme. Clause 8 makes a consequential amendment to the second schedule to the principal Act.

Mr S.J. BAKER secured the adjournment of the debate.

CLEAN AIR ACT AMENDMENT BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Clean Air Act 1984. Read a first time.

The Hon. S.M. LENEHAN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

I propose to introduce a Clean Air Act Amendment Bill 1990, the principal purpose of which is to aid the administration of regulations relating to fires on domestic, commercial and industrial premises. The amendments are being sought in response to requests by local councils which have delegated responsibility for administering the provisions controlling fires in the open on non-domestic premises and both fires in the open and in incinerators on domestic premises.

The first provision of this Bill seeks to clarify what is meant by a fire in the open and, additionally, to empower local councils to administer the provisions controlling domestic incinerators that are used by occupiers of flats and other multiple household dwellings. The Clean Air Regulations 1984 prohibit a fire in the open on non-domestic premises except by written consent of council and subject to such conditions the council may wish to impose to minimise nuisance.

The Minister for Environment and Planning through the Department of Environment and Planning has responsibility for controlling emissions from incinerators on non-domestic premises. Some units, depending on type and capacity, require a licence to operate under the Clean Air Act. These units are often technically complex, designed to burn specific materials. Local councils generally do not have the technical expertise or equipment necessary to assess the design and operation of these incinerators, hence the State provides this service.

A problem encountered by local councils is what constitutes an incinerator on non-domestic premises and whether a fire within a semi-permanent construction is a fire in the open. A notable example of this dilemma is that faced by a council officer when responding to the nuisance caused by the disposal of waste by burning in a 205 litre drum.

This means of waste disposal does not meet the Department's incinerator criteria and provides an inefficient means of combustion. There is no means by which the burning or the emission of pollutants can be controlled. Nevertheless, these problems hardly need the technical expertise of the authorised officers appointed by the Minister for industrial air pollution control, and could be solved more quickly and effectively by local council officers.

The Bill seeks to clarify the position by regarding any fire in the open air, that is, any fire not within a building, as an open fire unless the products of combustion are discharged into the atmosphere via a chimney. There is no point in simply adding a chimney to a rudimentary container to call it an incineraror. I would point out that such action would allow air pollutants to be tested and the unit would most surely fail the statutory emission standards.

This amendment therefore will eliminate a matter of interpretation and provide local councils with the opportunity to control what is essentially a matter of local nuisance. The second provision of this Bill is also intended to assist authorised officers appointed by a local council in the execution of their duties under the Act. Currently, despite a fire in the open or in a domestic incinerator adversely affecting the public, a council officer only has the power to issue a notice of an offence against the Act. There is no power to eliminate the source of the complaint by either requiring the fire to be extinguished or causing it to be extinguished. This has led to the unacceptable situation of

the law appearing to be administered, yet the air pollution problem remains.

The Bill therefore contains a provision to authorised officers specific power to require a person to extinguish a fire where it contravenes the regulations. Recognising that some offenders may refuse, the officer is also empowered to extinguish it personally or through another appropriate agency. These provisions are necessary to ensure the effective administration of air pollution regulations relating to burning rubbish, and to prevent unwarranted nuisance associated with that activity.

The opportunity is also taken to amend the Act in relation to the power to make regulations fixing fees for exemption from the prohibition against the sale, use, etc., of ozone depleting substances. Regulations have been made fixing these fees, but, as some of the fees are based on the quantity of substance used or sold by an applicant during the previous calendar year, it is necessary to provide that such a fee, which could be viewed as being a tax, can be fixed by way of regulation. As the regulations came into operation on 1 February 1990, it is provided that this amendment will be back-dated to that date. I commend the Bill to members.

Clause 1 is formal.

Clause 2 provides for the operation of the Act to be by proclamation, except for section 5, which is back-dated to 1 February 1990.

Clause 3 amends section 3 of the principal Act, which is an interpretation provision. The definition of 'domestic incinerator' has been broadened by the removal of the restriction that domestic incinerators be used to burn refuse from less than three private households.

New subsection (2) provides an interpretation of the term 'fire in the open'. For the purposes of the principal Act and the regulations, a fire burning in the open air will be regarded as a fire in the open notwithstanding that it is burning in connection with the operation of any fuel burning equipment or within a container, unless such fuel burning equipment or container has a chimney.

Clause 4 amends section 53 of the principal Act, which deals with the powers of authorised officers.

New subsection (1a) widens the powers of authorised officers. If it appears to such officers while on any premises that matter is being burned by a fire in the open or in contravention of the regulations, the authorised officer may require the fire to be extinguished. If it is not extinguished, or if there is apparently no person in charge of the fire, the authorised officer may extinguish the fire himself or herself.

Clause 5 provides that regulations prescribing fees for exemption from the prohibition against the use, sale, etc., of ozone depleting substances may fix the fees by reference to the quantity of substance used or sold over a specified period

The Hon. D.C. WOTTON secured the adjournment of the debate.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Long Service Leave (Building Industry) Act 1987. Read a first time.

The Hon. R. J. GREGORY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill, which amends the Long Service Leave (Building Industry) Act 1987, seeks to extend the portable long service leave scheme established in 1977 to include the electrical contracting and metal trades industries. It implements an undertaking given during the budget session of Parliament last year that a scheme to extend the present cover would be proposed during this session. The portable long service leave scheme, established by the Long Service Leave (Building Industry) Act, commenced on 1 April 1977. The scheme allows building industry workers in certain occupational categories, and paid under the prescribed awards, to become eligible for long service leave benefits on the basis of service to the industry rather than service to a particular employer.

At present, while electrical contracting and metal trades workers may be regarded as building workers, because they are subject to the Metal Industry (Long Service Leave) Award 1984, they do not enjoy the same leave entitlements as other building industry workers. This Bill will correct this anomaly. It will provide the same long service leave benefits to all employees in the building industry. What is proposed is an expansion of the industry scope of the Act by defining work of a kind performed by workers employed within the building industry and electrical and metal trades industries.

The extension of the scheme to the electrical contracting and metal trades industries will result in changes to the present board. First, this Bill changes the title of the board to the Construction Industry Long Service Leave Board to reflect the broader coverage. Secondly, the board will be reconstituted and increased by an additional two members (that is, one union, one employer). Under the Federal award, electrical contracting and metal trades workers are entitled to long service leave after 15 years (10 years *pro rata*). The recognition of service prior to the commencement date of 1 July 1990 will therefore be calculated on a proportional basis. Workers with more than seven years service with their current employer will be credited with two-thirds of their total service, or two-thirds of service since the date of a previous payment of entitlement. Workers with less than seven years service within the industry will be credited two-thirds of their service.

Particular attention has been taken during the drafting of the Bill to ensure existing employer contributors to the present scheme are not disadvantaged by the proposed extended coverage. To illustrate this, I refer to the need to create two funds, one for the construction industry which will be a continuation of the present fund and one for the electrical and metal trades industries. This will ensure there is separate accounting for payment into and out of the funds in respect to construction work and electrical and metal trades work. There will be no upfront costs to new employers. However, contributions to the Electrical and Metal Trades Fund will be 2.5 per cent, 1 per cent above the current rate for the Construction Industry Fund. The two funds will remain in existence until such time as the new industries' liabilities have been met.

The Bill proposes to delete reference to the occupational categories referred to in schedule I of the present Act, listing the prescribed awards only. Currently, some workers paid under the prescribed awards cannot be registered as their occupations are not listed under schedule I. This will be overcome by just applying the list of awards in conjunction

with the application of the predominance rule. This approach is used in interstate schemes.

The other changes that are being introduced by this Bill are aimed at improving the operational effectiveness of the Act. These changes have been proposed by the board. The first change relates to the format of employer returns as prescribed under the regulations. The format is to be revised thereby simplifying the process for employers. The number of forms used will be reduced. Worker service will be able to be updated on an ongoing basis and eliminate the need for annual returns. The second change concerns the imposition of fines for late payment of contributions. Under the present Act late payment fines cannot be assessed and imposed until the monthly return and associated contributions have been received. The board is therefore powerless to act until the employer chooses to meet his/her statutory responsibilities. The Bill proposes a fine of a prescribed amount which can be imposed immediately contributions become outstanding. A fine of $75 will be prescribed in the regulations.

Other provisions are to be consolidated and simplified. The Bill has been the subject of consultation with the relevant bodies including the Long Service Leave (Building Industry) Board, the building industry unions and employer groups of the Industry Working Party and the Industrial Relations Advisory Council. I am pleased to be able to report that they have indicated their support for the proposals in this Bill.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 enacts a new short title for the principal Act, being the Construction Industry Long Service Leave Act 1987.

Clause 4 provides for a general amendment to the principal Act that will remove references to 'building worker' and replace those references with 'construction worker'.

Clause 5 relates to the definitions used in the principal Act. The board is to be renamed as the Construction Industry Long Service Leave Board. The construction industry will be defined as the building industry or the electrical and metal trades industry. The electrical and metal trades industry will be the industry carrying out electrical or metal trades work. Electrical or metal trades work will be defined as electrical or metal trades work carried out on a building site, work involving the construction, erection, installation or dismantling of certain items or plant (on site), on site maintenance work, and other engineering projects involving electrical or metal work.

Clause 6 relates to the application of the Act. The 'predominance rule' that applies under the present provisions of the Act is to continue to apply. In addition, to qualify under the Act a person will be required to work under a contract of service in the construction industry in a case where an award set out in the first schedule prescribes a weekly base rate of pay for work of that kind.

Clause 7 alters a heading.

Clause 8 amends section 6 of the principal Act so that the Long Service Leave (Building Industry) Board will become the Construction Industry Long Service Leave Board.

Clause 9 relates to the membership of the board. It is proposed to amend section 7 of the principal Act so that the membership of the board will be increased from five members to seven members. Apart from the presiding officer of the board, three members will be appointed to represent the interests of employers and three members appointed to represent the interests of employees.

Clause 10 amends section 8 of the principal Act so that the Governor will be able to remove a member of the board if the Governor is satisfied that the person has ceased to be a suitable person to act as a representative of a particular industry group.

Clause 11 is a consequential amendment to section 10 of the Act to increase the quorum of the board from three members to four.

Clause 12 is a consequential amendment to section 18 of the Act to change references to the 'building industry' to the 'construction industry'.

Clause 13 relates to the funds under the Act. The Act presently provides for the operation of the Long Service Leave (Building Industry) Fund. This fund is to be renamed as the Construction Industry Fund. This fund will continue to be used in all cases, except where payments are to be made to or from the Electrical and Metal Trades Fund. The Electrical and Metal Trades Fund is the Long Service Leave (Electrical Contracting and Metal Trades) Fund established by amendments to the principal Act in 1989. This fund will be used to pay for long service leave entitlements that are attributable to the extension of the Act to workers in the electrical and metal trades industry (being workers to whom the second schedule applies).

Clauses 14, 15, 16 and 17 are all consequential on the creation of a second fund.

Clause 18 amends the heading to Part V of the Act.

Clause 19 enacts a new section 26. Section 26 presently requires employers in the building industry to inform the board of certain events within a specified time. This system is to be replaced by a periodical return (see clause 20). New section 26 relates to the levy that each employer must pay in respect of the employment of workers in the construction industry. As is the case now, the levy rate will be prescribed by the regulations. However, the regulations will be able to prescribe a special rate in relation to employers who have been bound by the Metal Industry (Long Service Leave) Award 1984 (and are therefore liable to provide long service leave benefits to workers in the electrical contracting or metal trades industry) and who employ workers in work in relation to which a weekly base rate of pay is fixed by an amount referred to in the third schedule.

Clause 20 will amend section 27 of the Act in relation to the provision of returns to the board.

Clause 21 is a consequential amendment to section 28 of the Act.

Clause 22 relates to section 29 of the Act. Section 29 allows the board to impose a fine, not exceeding twice the amount of an assessment, when an employer fails to pay a contribution required under the Act. The provision has not worked effectively because it requires the board to make an actual assessment before it can impose a fine. It is therefore proposed to amend the provision so that the board can fix a fine without making an assessment, but to specify that the amount of the fine must not exceed an amount prescribed by the regulations.

Clauses 23, 24, 25, 26, 27 and 28 are all consequential amendments that are required as a result of changes effected by this measure to various terms in the Act.

Clause 29 enacts a new first schedule. It is intended to dispense with the prescription of occupational categories in relation to the determination of the application of the Act and to rely instead on the specification of relevant awards.

Clause 30 enacts a new second schedule. This schedule will apply to any person who becomes a construction worker on the commencement of this measure by virtue of the extension of the scheme under the principal Act to the electrical and metal trades industry. The schedule sets out his or her entitlement under the principal Act in respect of

service accrued in the industry before the commencement of this measure.

Clause 31 enacts a new third schedule. This schedule is relevant to the special levy imposed on employers under new section 26.

Clause 32 is a transitional provision.

Mr INGERSON secured the adjournment of the debate.

INDUSTRIAL RELATIONS ADVISORY COUNCIL ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Industrial Relations Advisory Council Act 1983. Read a first time.

The Hon. R.J. GREGORY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill has three purposes, namely, to extend the operation of the Industrial Relations Advisory Council Act 1983 from its present expiry date of 30 June 1990 to 30 June 1993, to increase the membership of the council from 10 to 14 and to revise the schedule to the Act.

The Industrial Relations Advisory Council was established as a statutory body on 28 July 1983 following proclamation of the Industrial Relations Advisory Council Act 1983. The major reason for its establishment was to ensure that the industrial relations climate in South Australia continued at the very satisfactory level which had prevailed for many years. The Government has been pleased with the work of the council which has ensured tripartite consultation on matters of industrial relevance and in particular on legislation of industrial importance. The proposed extension has the support of the United Trades and Labor Council and the major employer organisations. The Government commends the continuing role of the council in the industrial sphere of this State.

It is proposed to increase the membership of the council from 10 to 14. At present, pursuant to section 6 of the Act, the council is constituted of 10 members, namely, the Minister of Labour (Chairperson) and the Director of the Department of Labour. The other members are persons appointed by the Governor who have been nominated by the Minister—four after consultation with the United Trades and Labor Council to represent the interests of employees and four after consultation with associations of employers to represent the interests of employers.

Whilst the Government has consistently maintained that employee and employer representatives on the council are representatives of employees or employers generally rather than the particular organisations to which they may be employed or belong, the frustration of some organisations, particularly employer organisations, at not being able to gain direct representation is becoming increasingly apparent. It could be argued that such an increase in membership would lead to a council of unmanageable size but it is believed that, since this body is principally of an advisory rather than a decision-making nature, it will continue to function as effectively as it has for the past six and a half years.

Finally, it is also proposed to revise and update the Acts listed in the schedule to the Act. A principal function of the council is to advise the Minister on legislative proposals of industrial significance (section 11 (1) *(b)*). Pursuant to section 4 (2) a legislative proposal has industrial significance if it is a proposal to amend or repeal any of the Acts referred to in the schedule to the Act or an Act passed in substitution for an Act referred to. It is proposed to amend the schedule to:

delete the Industrial and Commercial Training Act 1981, the jurisdiction for which has been transferred to the Minister of Employment and Technical and Further Education.

delete the Industrial Code 1967 which has been repealed and make amendments to the titles of Acts which have changed.

delete those Acts relating to workers compensation, occupational health and safety and long service leave in the building industry, since separate statutory tripartite bodies, with the power to consider legislative proposals are established under each Act. Rather than these legislative proposals being formally considered by the council at least two months before a Bill is introduced into Parliament (in accordance with section 11 (2)) it is proposed that they simply be referred to the council for its information after consideration and approval by the relevant statutory tripartite body.

add the Explosives Act 1936, the jurisdiction for which was transferred to the Minister of Labour in 1983.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure. The clause fixes 30 June 1990 as the commencement date for the provisions that alter the size of the Industrial Relations Advisory Council (clauses 3 and 4). This is the date on which the term of office of the current members expires.

Clause 3 amends section 6 of the principal Act which provides for the membership of the Industrial Relations Advisory Council. The number of members is increased from 10 to 14, two more members to be nominated after consultation with the United Trades and Labor Council and two more to be nominated after consultation with associations of employers.

Clause 4 amends section 9 of the principal Act to increase the quorum for meetings of the council from six to eight.

Clause 5 amends section 13 of the principal Act to substitute 30 June 1993 for the current expiry date for the Act, 30 June 1990.

Clause 6 amends the schedule to the principal Act which lists the Acts with respect to which the council is to advise the Minister. The Explosives Act 1936 is added to the list. The following Acts are removed from the list:

the Industrial and Commercial Training Act 1981
the Industrial Code 1967
the Industrial Safety, Health and Welfare Act 1972
the Long Service Leave (Building Industry) Act 1975
the Workers Compensation Act 1971.

The references to the Lifts and Cranes Act and the Long Service Leave Act are updated to the Lifts and Cranes Act 1985 and the Long Service Leave Act 1987.

Mr INGERSON secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Workers

Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. R.J. GREGORY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill addresses two significant issues. The first is a proposal to raise the maximum levy rate ceiling from the current 4.5 per cent to a new maximum of 7.5 per cent. The second is to tighten the definition of 'disease' to ensure that compensation is only payable where a disease is work related. Since WorkCover's commencement in October 1987 the scheme has operated within a maximum levy rate ceiling set down under the Act of 4.5 per cent of remuneration. This compares with the situation under the previous private insurer system where premium rates of well in excess of 20 per cent of remuneration for high risk industries were being paid. This was achieved through low risk industries subsidising high risk industries.

In its first two years of operation the WorkCover Corporation achieved close to full funding by operating within this ceiling at an average levy rate of 3 per cent of remuneration. However, over the past 12 months the corporation has experienced a serious and sustained deterioration in its claims experience and it is anticipated that it will have an unfunded liability of approximately $70 million by the end of 30 June 1990. The deterioration that has occurred in WorkCover's claims experience over the past 12 months has a number of key features:

First, claim numbers have been considerably higher than expected on the basis of earlier trends. While this increase in claim numbers is partly explained by the overall strong growth in employment in South Australia and the disproportionately higher growth in high risk industries, this does not provide the full explanation for the increases observed.

Secondly, not only has there been a higher claims incidence but the average cost of each claim has also increased as a result of rising medical, hospital and rehabilitation costs and because the percentage of overall claims involving lost time from work has increased.

Thirdly, a target of a 25 per cent reduction in the number of claimants remaining on benefits after one year has not been achieved although there appears to have been some improvement in recent months.

In the face of these rising costs, for the scheme to remain fully funded, it is necessary to raise the average levy rate from the current 3 per cent up to 3.8 per cent of remuneration.

The increased levy income that is required could be raised without lifting the maximum ceiling; however, strong equity grounds exist for raising the ceiling. This is because most of the increase in costs has occurred amongst the high risk industries. The current 4.5 per cent maximum ceiling prevents many of these high risk industries paying more as the majority are already on the 4.5 per cent rate. Under these circumstances if the ceiling rate is not raised to 7.5 per cent the major burden of the required average levy rate increase would unjustly fall on the low risk industries which are already subsidising the high risk industries. To avoid increasing the level of cross-subsidy and to make high risk industries pay for their increasing costs it is essential that the maximum ceiling be raised to 7.5 per cent.

The Government is of course aware that in the face of these proposals to raise levies there will be an attempt made by some to lay the blame for the increased costs at the feet of WorkCover and on the level of benefits which, although providing for significantly less than 100 per cent compensation, are still claimed to be too generous. But what is the reality? The facts are that WorkCover deals with the symptoms of poor safety performance by a minority of employers. WorkCover statistics show that a mere 7 per cent of employers, who contribute approximately 34 per cent of the levy income, account for a staggering 94 per cent of the total cost. Of this group of employers the worst 150, representing .2 per cent of employers, account for 12 per cent of the total cost. Whilst various theories can be advanced for the increase in costs the facts are that it is a minority of employers who are the root cause of the problems being experienced. What is worse, and this is the tragedy, is that these costs are avoidable.

WorkCover has statistics that show that even in the riskiest of industries good management can keep workers compensation costs to an absolute minimum, if not completely eliminate them. Having said this, there is undoubtedly room for some improvement in the WorkCover Corporation's administrative procedures and this is being actively attended to. There is also some room for a tightening of the benefit provisions to ensure that the integrity of the original Act is maintained and this Bill contains one significant response to tighten up this area. These necessary changes, however, are only dealing with the problem at the margin. As pointed out, the fundamental cause of the cost pressures being experienced by WorkCover is the poor safety management practices and procedures of a minority of employers. A number of strategies are accordingly being formulated and implemented to deal with these poor performers.

One such corrective measure is the bonus/penalty scheme to be introduced by WorkCover on 1 July 1990 that is timed to tie in with the proposed increase in the average levy rate. This bonus/penalty scheme will reward those employers with good claims experience and severely penalise those whose claims experience is poor. The scheme will be revenue neutral, will only marginally affect the cross-subsidy and will, together with the 7.5 per cent ceiling, achieve a fair and viable compensation scheme. Importantly, severe penalties will be applied under the bonus/penalty scheme to the 7 per cent of employers (approximately 3 500 in total) who account for 94 per cent of the cost. In addition to these penalties supplementary levies will be applied to the .2 per cent of employers (approximately 150 in total) who account for 12 per cent of the cost. The bonus/penalty scheme will complement other measures that are being developed and implemented by WorkCover, the Department of Labour and the Occupational Health and Safety Commission to target the worst performers in an endeavour to change their management approach to occupational health and safety.

The 7.5 per cent ceiling proposed under this Bill will reduce the existing level of cross-subsidy. The rate set will preserve South Australia's competitive position having regard to the 8.4 per cent ceiling under the New South Wales scheme and the 7.7 per cent maximum under the Victorian legislation. As an additional measure the Bill also provides for the removal from the Act of the fixed percentage levy classification steps below the maximum. This will allow WorkCover to set the structure of the classification rates below the maximum so that they can more closely reflect the actual claims experience of the various industry classes.

The second major issue dealt with in this Bill is the insertion of a new definition of 'disease' which is necessary to overcome a Supreme Court decision in the case of Ascione which had the effect of allowing certain non-work related

diseases to be treated as compensable under the Act. In the case of Ascione, the worker had a congenital condition that resulted in what could generally be called a stroke and which occurred while the worker was travelling to work. The work itself did not contribute to the stroke. The full Supreme Court held that the stroke was not a 'disease' as defined under the Act but was an injury and therefore compensable as it had occurred in the course of employment on the way to work.

Under the previous repealed Workers Compensation Act autogenous conditions such as strokes were treated as diseases and in order for them to be compensable it was necessary to show that work was a contributing factor. As a result of the Supreme Court's decision, in cases such as Ascione's involving a disease where there is an obvious proximate cause, it is now only necessary to show that the disability occurred in the course of employment. There is no longer a requirement to show that the work itself was a contributing factor. As a result, the Supreme Court's interpretation of 'disease', if allowed to stand, could potentially have a serious financial effect on the WorkCover fund.

When the Workers Rehabilitation and Compensation Act was drafted there was no intention of changing the wide meaning given to the definition of 'disease' that existed under the old Act. This Bill accordingly picks up the definition contained under the old legislation, including the related provision on heart disease, to put beyond doubt that diseases are only compensable if they are work related. Furthermore, it is proposed that this change be made retrospective to the commencement of the new scheme.

Retrospectivity is warranted in this case, first, because of the potential for a heavy financial drain on the WorkCover fund and, secondly, because the definition has in practice been given its plain meaning up to Ascione's case and no unfairness would be created by changing the definition to ensure that the plain meaning of the existing definition was preserved. However, in the case of Ascione and any other cases that may have been determined, it is proposed that the retrospectivity would not apply and the decisions on those matters would be allowed to stand. Where a claim has not been determined the Bill provides for the recoupment of reasonable expenses reasonably incurred in making a claim to ensure that such claimants are not financially disadvantaged by the retrospectivity. I commend the Bill to the House.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure. In particular, the amendment that inserts a new definition of 'disease' will be taken to have come into operation at the same time as the principal Act came into operation. The amendments relating to the levy rates will come into operation on 1 July 1990.

Clause 3 provides a new definition of 'disease' for the purposes of the principal Act. Paragraph *(a)* of the definition is similar to, and intended to have the same effect as, the definition of 'disease' in the 1971 Act that was repealed by the principal Act (other than in relation to the aggravation, acceleration, exacerbation, deterioration or recurrence of a condition). Paragraph *(b)* of the definition expressly provides (to remove all doubt) that any disability to which section 31 applies (whether set out in the second schedule of the principal Act or prescribed by regulation under section 31) is also a disease for the purposes of the principal Act.

Clause 4 proposes an amendment to section 31 of the Act in relation to the recurrence of a pre-existing coronary heart disease, so that the legislation will operate in a manner similar to the 1971 Act.

Clause 5 alters the levy rates that apply under section 66 of the principal Act. The maximum standard rate is to be increased to 7.5 per cent. The corporation will be empowered to apply any rate up to the maximum.

Clause 6 provides that the measure will not, in the retrospective amendment of the principal Act in relation to the definition of 'disease', affect the rights of the respondent in the Supreme Court case *Workers Rehabilitation and Compensation Corporation v. Ascione*, or the rights of any other claimant whose claim is determined before the commencement of the Act. Reasonable compensation for the costs of other claimants affected by the enactment of this Act will be paid by the corporation.

Mr INGERSON secured the adjournment of the debate.

MARINE ENVIRONMENT PROTECTION BILL

Adjourned debate on second reading.

(Continued from 8 February. Page 38.)

The Hon. D.C. WOTTON (Heysen): If this legislation were to pass in its present form it would be the weakest marine environment legislation in Australia. The debate on this legislation has been of particular interest. We have heard from the Minister that she recently returned from a conference of Environment Ministers, where it was determined that there should be standard provisions and conditions in such legislation throughout Australia. I do not know whether the Minister has had the opportunity to look at the legislation in other States but, if she were to do that, it would be very clear to her that this was not the case in regard to this Bill. I will refer in detail to the legislation in other States a little later. The Minister has continually said that she is looking for firm and strict marine environment pollution legislation.

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: The Minister interjects and indicates that this is the same legislation as was debated last year. I remind the Minister that the legislation is not the same, but I will not dwell on that because there are only very minor amendments to the legislation. The fact is that there has been such considerable representation since that time that there is no way that the Opposition could support the Bill in its present form. I intend to refer to much of the representation I have received, because it has been considerable. The legislation was debated at the end of last year. There was not a lot of time for consultation prior to the Bill's being introduced.

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: The Minister is having her say now. She is referring to the White Paper. I am aware of the White Paper; I am aware of that form of consultation that took place. There was not a lot of time for comment prior to the Bill's being debated prior to the last election. Other matters have been raised and other influences brought forward through the debate on this legislation in recent weeks.

We have seen an officer of the Government come out and attack the Government strongly indeed in regard to marine environment measures in this State. The Minister has reacted to that representation and has taken, I believe, some action in regard to the comments made. That person aroused a considerable amount of interest in the groups that have a particular concern regarding this legislation. To a large extent it is as a result of some of the comments made by Mr King that there is now so much awareness in

regard to this legislation. There has also been considerable press coverage of the activities of some industries in this State, particularly Broken Hill Associated Smelters at Port Pirie. I had the opportunity last week to visit the senior management of BHAS. It was a productive meeting and I will refer in more detail to that meeting a little later.

The major concerns—and a number have been brought forward by interest groups such as conservation bodies, by scientists and by a large cross-section of people in this State—have related to the discretion that rests with the Minister under this Bill. The Bill does not define pollution nor does it require that the conditions attached to the provisions of the licence should include specifications of appropriate measures to prevent detriment to the environment. The clause providing for confidentiality in relation to the administration of provisions of the legislation is of considerable concern. There has been uncertainty as to whether the E&WS Department is bound under the legislation and, of course, there has been much comment about the penalties under the legislation. It has been felt strongly that the penalties are not severe enough. I will refer to each of those matters later in the debate.

I was somewhat disappointed to read a press release issued by the Minister recently in which she indicated that, when I was Minister for Environment and Planning between 1979 and 1982, I decided against the introduction of marine pollution legislation in this State. That is totally false. I refer to that specifically. In October 1980 the Tonkin Cabinet approved development of legislation for the control of marine pollution from land based sources. This decision followed related agreements at the 1979 Premiers Conference and acceptance by the South Australian Premier in a letter of 7 May 1980 to the then Prime Minister. That was in relation to State legislation to control pollutant discharge within the three mile limit.

The above proposal resulted partly from commitments from the Commonwealth Government in the international arena relating to marine pollution and also from a clear need and responsibility to protect the quality of the coastal waters of this State. As far as I am concerned, that was important legislation. In fact, I recall vividly going to one of the meetings of Environment Ministers, to which the present Minister has referred on a number of occasions, and making strong representations to ensure that similar legislation was introduced in other States. The Minister suggested that that was an error on my part. She accused me of not proceeding with the legislation in 1980-81. The Minister would recall that, regrettably, there was a change of Government in 1982 and since then we have seen absolutely nothing until a White Paper was brought before the community a short time ago.

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: It is no good the Minister's saying that she has been the Minister only for a short period of time. There have been other Ministers under this present Bannon Government who have refused to do anything about it at all. It is no good the Minister's coming out with press statements blaming me and accusing the previous Liberal Government of not introducing legislation. The fact is that, until the introduction of this Bill, South Australia and the Northern Territory were the only States yet to have comprehensive and effective legislation to control marine pollution. In Victoria, Tasmania and Western Australia, marine pollution control is incorporated in the Environment Protection Act, which also covers inland water, air and noise pollution. We have seen recently firm legislation introduced in New South Wales and we have seen some major amendments introduced to the legislation in Victoria. We note also that Tasmania is following very closely the legislation that has been introduced in Victoria.

I now refer to some of my concerns about the method being used for working through this legislation. I am concerned because we seem to be all over the place in terms of the introduction of such legislation for pollution control measures. I am looking forward in the near future to visiting some of the other States. I am particularly interested in the legislation that has been introduced in Victoria, with the establishment of the Environment Protection Authority in that State. I know that Tasmania is following that legislation closely and I will be particularly interested also to talk with my colleague the Minister for Environment and Planning in New South Wales regarding the legislation in that State.

It can be seen that the current legislation for marine pollution controls in South Australia, until the introduction of this Bill, has been totally fragmented and uncoordinated. I would suggest it has been entirely unsatisfactory for practical and effective application. Although a number of State Government departments have certain responsibilities involving aspects of the marine area—and I refer particularly to the management of commercial fisheries, the management of ports and shipping, the control of sewage discharges and coastal management—no department is specifically charged with responsibility for preventing and controlling marine pollution.

The Department of Environment and Planning has broad environmental protection responsibilities, as we know, including the administration of the planning, clean air, beverage container and noise control legislation. The department has expertise in industrial waste treatment and pollution control, and has environmental assessment responsibilities for all significant new developments. It is also considered to be the most appropriate organisation for the administration of the proposed marine pollution control legislation. So, if we look at the justification for marine pollution controls in this State, we see that, besides this State's national and international commitments to marine pollution controls, there is increasing interest, concern, demands and expectations from the public, the media and environmental groups about marine pollution matters.

This has been shown recently by media and public reaction to pollution issues such as the condition of the Aldinga reef, polluting discharges into the Port River, seagrass losses off Adelaide and, more recently, problems associated with the Gillman chemical spill, the discharge of unscreened sludge from the Glenelg sewage works, pollution of the Patawalonga and Onkaparinga Rivers, and one could go on. There are areas of concern that need to be rectified and examples of irresponsible discharges that have been experienced which would not have occurred had there been reasonable controls in this State.

Suitable legislation would require notification of pollution discharges, licensing of all premises that discharge wastes to the marine environment, reasonable precautions to contain spillages and simple waste treatments before discharge, and progressive improvements to achieve reasonable standards are certainly necessary to reduce pollution risks and alleviate the present levels of marine pollution in this State. There is no doubt about that whatsoever. Let us look at the existing South Australian and Commonwealth legislation relating to marine pollution in South Australia.

I know there have been some amendments to some of the legislation to which I will refer. First, we have the Fisheries Act 1982, in which section 46 gives a general regulation-making power for fish protection. Section 48 is a general clause against pollution and regulation 16 prohibits discharge of any one of a number of prescribed substances.

Regulation 103 of the Food and Drugs Act lists proclaimed poisons and regulation 140 prohibits discharge of those proclaimed poisons into creeks, drains, channels, rivers, harbors or watercourses without permission of the board.

Section 160 of the Harbors Act prohibits discharge of solid matter which may hinder navigation into harbors, tidal waters and the sea. Regulation 59 prohibits discharge from ship or shore into harbors or tidal waters of substances including oil, tar, spirits and flammable liquids, refuse, wire rope or any other deleterious matter. Regulation 31 of the Boating Act requires boat operators to prevent the discharge or escape of any oil, tar, spirit or debris. And so it goes on. I could spend a considerable time going through all these pieces of legislation. Others include the Local Government Act, the Petroleum (Submerged Lands) Act, the Water Resources Bill that was debated in this House yesterday, the Pollution of Waters by Oil and Noxious Substances Act 1987, the Federal Environmental Protection Sea Dumping Act 1981, the Mining Act 1971, the Planning Act 1982, the Mines and Works Inspection Act 1920-70, the Coast Protection Act 1972-75, the Dangerous Substances Act 1979, the Waste Management Commission Act 1979, the River Torrens Protection Act 1949, the Health Act 1935-78, and the Noxious Trades Act 1943-65.

I do not know whether there are more than those to which I have referred, but certainly those pieces of legislation have some part to play in the protection of the environment. However, they are all over the place, as I said earlier. It is vitally important that we look at a mechanism to bring together all these controls. I repeat that I am attracted by the Victorian legislation and the establishment in that State of an Environment Protection Authority which brings together a lot of these controlling bodies and the tribunals that are responsible for those protection controls.

Much has been said about the legislation in other States. I mentioned the relatively new legislation that has been introduced in New South Wales. The legislation in Victoria works through the Environment Protection Authority. Tasmania is looking to change its legislation, as I understand. It has been working under the Environment Protection Act 1973, administered by the Department of Environment. That Act covers air, noise, marine and inland water pollution, but I understand there are moves to change that legislation. Western Australia has the Environment Protection Act 1986 and the Commonwealth has the Environment Protection Sea Dumping Act 1981 administered by the Commonwealth department and covering the dumping or incineration of wastes in Australian waters, the Protection of the Sea, the Discharge of Oil from Ships Act 1982, and the Protection of the Sea, Prevention of Pollution from Ships Act 1983. Those are also administered by the department. I think it can be fairly said that the legislation in other States is working well. Some of the measures are new—

Members interjecting:

The Hon. D.C. WOTTON: The interjection is 'Let's go to Bondi beach': I have been to Bondi beach fairly recently, and I understand the problems they have there. They have very firm legislation, and I should be very surprised if a number of the matters of concern currently evident in New South Wales are overcome as a result of that legislation, but I shall be interested to follow that through. I do not think it wise for any of us to comment on the success or otherwise of that legislation until it has had a bit longer to run. At this stage, certainly, it seems that the legislation is working well.

We have looked at many other things. I recall that in 1985 the then Minister for Environment and Planning (Hon. D.J. Hopgood) introduced the pollution control orders. Much significance was placed on those orders at that time and I recall much publicity being given to them, although I do not think that they have achieved very much. We have a number of problems closely associated with those controls, many of which were referred to in the debate on the legislation in this House last evening, and I do not want to go over those issues again.

I do not think that any of us could be anything but impressed with some of the feature articles and editorials written in recent times about the problems of the marine environment in this State. The *Advertiser* featured an excellent editorial on 4 March last year, to which I wish to refer in detail, since it set out very clearly the concerns of many people in this State about marine pollution. Under the heading 'Save our Seas' it states:

> We can no longer mumble in an exhausted fashion that this State should be controlling what is flowing into its rivers and coastal waters. We must shout it. We know we cannot return our seas to their pristine conditions; but marine pollution in this State must be controlled closely, monitored and assessed before the damage to marine life gets worse, and before human life starts dying in its own detritus. Our feature in today's Magazine section leaves no doubt of how pressing the problem is becoming and how poorly it has been addressed.
>
> There certainly are people who can see the problem but they are lonely voices trying to get the message across—first to the community and now, in what would have to be one of the bleakest ironies, to their own masters in the Government. The value of rivers and seas to a community is immeasurable. Perhaps it is because they cannot measure it that leaders of this Government have lost their collective will to act and to pass even one effective law that, if carefully worded, would rein in the mavericks or, at worst, return money from those who unintentionally or intentionally are causing this irreparable damage.

It goes on to refer to some of the action the then Minister for Environment and Planning had taken at the time, I believe, when the suggestion was made that a White Paper on this subject should be considered. I commend that editorial to other members of the House. It is lengthy and I do not intend referring to all of it. However, it is important and covers a number of issues of which we in this State should be aware.

That editorial referred to a feature in the *Advertiser* of the same day, 4 March 1989, which was an exceptional feature headed 'A Watery Grave' with the subheading 'How we're poisoning our marine life.' The article goes into some detail in explaining what is happening and what has been happening for some time in this State, and reads:

> One of the first lessons given to fledglings is not to foul their own nest. While people in Sydney are learning this the hard way—watching brown lines of rich sewage make patterns in their beautiful harbor and black marks on their tourist industry—it seems that the message has yet to be absorbed by people who could change the level of marine pollution in South Australia. Here, the metropolitan coast is hammered daily by tonnes of heavy metals and the treated wastes of more than one million people and their industries. This pollution is insidiously killing marine life, threatening our fishing reserves and presents a potential hazard to human health.

Again, this is a very long feature and I do not intend referring to all of it other than to some specifics that were brought forward. The article continues:

> In the absence of any effective law in South Australia to date, it would seem that between 1980 and 1989 the will to stop or at least regulate the degradation of our coast has diminished with succeeding State Governments.

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: I know it's ours; I already indicated that. If the Minister had been listening earlier in this debate, I made that point, but it is no good the Minister standing on her high perch and condemning the previous Liberal Government and me as a previous Minister for not doing anything about it. The fact is that members opposite

have done very little about it—in fact, absolutely nothing until the past 12 months or so. That feature of March of last year goes on:

That there are 92 places on the South Australian coastline where contaminants are discharged regularly into the sea, excluding places where leaching occurs from clumps close to shore, for which there is no data.

That more than 4 000 hectares of seagrass have been lost or are dying off the Adelaide coastline. there is no conclusive evidence that this has stabilised.

That at least 600 square kilometres of Spencer Gulf, about 30 kilometres from Broken Hill Associated Smelters' Port Pirie lead smelter, contains sediments with elevated levels of heavy metals (heavy metals if ingested in humans via the food chain can cause illness).

That about 100 square kilometres of this area is 'significantly contaminated' with concentrations of cadmium, lead and zinc more than 10 times the level normally found in sea water.

That dangers associated with eating fish from these areas have not been conclusively ruled out.

It concludes:

The concern has been shown three times in the past three years when the commission banned the taking of shellfish from the Port River for months because of 'red tides', or toxic algal blooms. The blooms release poison which concentrates in the flesh of shellfish, killing them and creating the potential to kill people who eat them.

That might be extreme: I do not know. Much credence has been given to that feature and, again, if people have not had the opportunity to read it, I commend it to them, since it sets out the situation fairly clearly, as did the CSIRO report written in the early 1980s, which has been referred to on a number of occasions.

There is considerable evidence in that report which indicates just how serious the situation has been and demonstrates that for some time there has been a need for firm legislation to be introduced in this area. It refers, for example, to the situation at Port Pirie, and it states that sediments within about 30 kilometres of the smelters contain elevated levels of metals derived from the smelter. It refers to a number of issues that have been raised publicly in more recent times, and states:

At the bottom of the food web in Spencer Gulf are sea grasses and algae—they are the major 'primary producers'. Upon their health and integrity depends the viability of commercial and recreational fishing, which harvests fish at the top of the food web.

It goes on to refer to samples collected by Dr Ward, who estimated that:

seagrass leaves in an area 1.5 km square near First Creek contain, at the end of winter, about 73 tonnes of cadmium, 51 tonnes of lead, and 571 tonnes of zinc. This is a larger amount than the dissolved metals emitted in a year by the smelter.

There is much evidence in that report. As I said earlier, I had the opportunity last Friday to spend a very productive morning with the management of BHAS at Port Pirie and I have to say that I was most impressed with the recent action taken by Pasminco-Metals BHAS. They have indicated publicly that they intend spending $10 million over the next five years to conform to the State Government's new legislation.

Mr Ken Parks (the General Manager of Operations) has also advised publicly that a consultant was appointed by the company six months ago to work on a plan to conform with requirements under this legislation. I believe that industry generally has recognised its responsibility. I have appreciated the opportunity to discuss this Bill with representatives of the Chamber of Commerce and Industry as well, and I do not think there is any doubt at all that industry recognises its responsibility to do its part under the necessary legislation.

There has been considerable controversy about letters that have gone back and forth including BHAS, the department and the Premier. That matter has been referred to previously and it is not my intention to go into that in detail in this debate, but I believe that, as a result of the letter that was written in July 1987, there is a need for the Government to come clean on just what those letters would imply concerning BHAS's role in terms of this Bill. As I said, I was most impressed with the opportunity that I had to discuss these issues with the management of BHAS and I commend them for the work they are doing up there along with other industries in this State who recognise that responsibility.

I wish to refer again briefly to representations that have been made, and I would hope that the Minister has received representations similar to those I have received. We have received representation from the Conservation Council of South Australia, which put forward an excellent submission, indicating its concern about the Minister's discretion. It was concerned also about the confidentiality clause and the penalties; and the submission, which it was good enough to provide me with, included a number of other issues. I have received representation from the University of Adelaide, and this correspondence and the opportunity to speak personally with people from the university have provided a considerable amount of information for me in this debate. I have also received representation from the Marine Life Society of South Australia, which prepared quite a detailed submission, and I note that it was sent to the Minister on 6 March this year.

Again, there has been strong representation from Greenpeace Australia, and I note that copies of the submission that it has provided to me have also been sent to the Minister. So, the Minister would be aware of those matters and only too well aware of the concern that exists in the community about a number of these issues. That is why the Opposition has found it necessary to bring a number of amendments before the House. Those amendments introduce the definition of 'pollution' into the legislation, which is a concern that has been expressed by all of those who have made representation to me.

There has been considerable concern about whether or not the E&WS is bound under the legislation, and I have sought to have the relevant clause rewritten to ensure that that is perfectly clear. A number of the organisations that have contacted me have called for the establishment of a committee not just to provide advice to the Minister but to be able to consider regulations and to have other involvement and responsibilities. That proposal has been strongly supported by a number of organisations. As I said earlier, the confidentiality clause has caused considerable concern. It is felt generally, and I support the point made by a number of people, that we are just no longer able to provide confidentiality, other than in the matter of trade processes, in legislation such as this. So, we will be looking to do something about that. Concern has also been expressed about the penalties, and the need to increase the penalties substantially has been recognised by many of the organisations concerned. The Minister is mumbling away over there—

The Hon. S.M. Lenehan: I was speaking to one of my colleagues.

The Hon. D.C. WOTTON: —suggesting that what I am saying is not relevant: I just wonder whether the Minister has taken the opportunity to read a number of the submissions that have been put before her. I hope she has, but I would suggest from the way the Minister is going on over there that that may not be the case.

It is intended that the Opposition will support the legislation on the basis that amendments are agreed to. We believe that it is essential—and I have indicated the reasons

why it is essential—that marine environment protection legislation be introduced in this State. I indicate to all concerned that the Opposition will support the legislation. If the amendments are not passed in this House, the same or very similar amendments will be moved in another place, because we believe that it is vitally important that the legislation be improved and strengthened as I have indicated.

Mr FERGUSON (Henley Beach): I do not wish to prolong the time of the House by entering the debate, but I have listened carefully to the remarks of the member for Heysen and I have been somewhat surprised at their tone. This Bill was introduced in the previous session of Parliament, but the honourable member did not take the opportunity to speak to it. The Bill was supported by the Opposition, but now we have a complete change and turn around, because the honourable member stated, 'No way will we support the legislation in its present form.'

It is amazing what a few press releases and a bit of press publicity will do to a shadow Minister. We have seen the honourable member quoting press releases word for word—work which he should have done himself but which has been done for him by journalists in the various cuttings to which he referred. The honourable member also referred in glowing terms to legislation in other States. I, too, have had the opportunity to visit other States. My particular interest is the seaside, because I represent a seaside area.

I refer to the pollution interstate and what other States have done to their seasides. They might have well considered legislation in Melbourne, Victoria, but, if one goes down to Melbourne ports and looks at the bottom end of the Yarra and sees the state of the environment, whatever legislation is proposed in other States such as Victoria has not done much good. People who go for a swim at Bondi take their life in their hands. Therefore, to quote what has happened in New South Wales as a shining example to South Australia is something that I find quite extraordinary.

The member for Heysen referred to Tasmania as apparently looking at the Victorian legislation, and well it might because, when one visits Tasmania and sees the rivers affected by the pulp and paper industry, and when one sees the discolouration of the sea water around Bass Strait, one wonders how Tasmania could be used as an example to South Australia in any way in respect of the environment. The member for Heysen, who is the lead speaker for the Opposition and who is putting its policy, was somewhat critical of this Bill in respect of its ambit or the amount of freedom that it gives the Minister and her department, that is, the people negotiating for her and who will negotiate in the future when this Bill becomes an Act.

The honourable member was somewhat critical of that freedom. However, as a member of this House I wish to see this legislation not only passed but also, when it is passed, I want it to be successful. Therefore, I do not want to see impediments put in the way of the Bill. I know that it would not be appropriate to refer to the amendments at this stage, because this is the second reading debate but, if one looks at the impediments that are to be put in the way of the department and the Minister when she and her department get down to negotiations with the various industries in South Australia, they almost make the Bill unworkable.

Not only have we to save the environment—everyone in the House is extremely keen about saving the environment and repairing the damage done over the past 150 years or so—but also we have to look after employment in South Australia. Already in Question Time the Opposition has asked about the alleged downturn in South Australia and the number of jobs that are allegedly going down the drain in this State. I see the Minister's responsibility as being a very fine balancing act. On the one hand she would have to look after employment in South Australia—and, although I stand to be corrected, I am sure that all members of the House would want to see employment in this State looked after—and on the other hand she has the responsibility of protection of the environment.

So, for the first few years of this legislation—for the first five to 10 years—there needs to be a certain amount of room for mobility in negotiations between the Minister of the day and the department on the proposition of cleaning up the environment. It is not appropriate for me to canvass other amendments at this stage, but I believe that amendments will eventually be moved that will provide a situation acceptable to the whole of the Parliament in respect of this proposal, in case people are frightened that the department and the Minister might have too much power.

Certainly, my deepest interest in this Bill is the protection of the Gulf St Vincent. I represent an electorate on the Gulf St Vincent, and people who read *Hansard* and who know of my speeches in this place will be familiar with my deep concern over the years about the coastal environment, particularly along the coast of Henley and Grange.

I was particularly pleased to see in the Minister's second reading explanation this time a slight change from her previous explanation, because the Minister states:

> Although the White Paper indicated that the Coast Protection Act would be the vehicle affording control of what was termed 'point-source' pollution, public response to the White Paper strengthened the view that it would be sensible to anticipate the need to manage more diffuse sources of pollution from such things as stormwater runoff. Therefore, rather than restricting powers only to what was needed for point sources, the Government has prepared a Bill capable of encompassing a broader range of problems. There is, however, no intention to take action in respect of diffuse sources until the point sources have been dealt with and until there has been extensive liaison with local government.

I applaud the addition and change to the proposition that we now have in front of us. Stormwater run-off and the resulting pollution is a very difficult problem in the Henley and Grange area and has not been tackled in a way that I, as the local member for the area, would like to see it tackled. There are three main sources of pollution in the Henley and Grange area. One is the Torrens River, and I have previously stated that I agree with the remarks made by the member for Coles about pollution in the Torrens River.

The Hon. Jennifer Cashmore interjecting:

Mr FERGUSON: Yes. That pollution eventually finishes up in my electorate in the Henley and Grange area. The other source of pollution is the Patawalonga River and, when the gates are opened for clearing every now and then, there is a real problem with pollution in my electorate.

The other problem relates to the outlet at West Lakes where the upper reaches of the Port River actually go into West Lakes. My colleague, the member for Albert Park, has always shown a deep concern for the pollution problems of West Lakes and I share his concern. This pollution eventually finishes up in the Henley and Grange area. This stormwater run-off contains just about everything one can think of that people are prepared to dump—cans, bottles, plastic bags, fuel containers, detergent bottles, papers, cardboard drink containers, other forms of plastic, and so on. After this material has been mixed with the stormwater drainage, which in my electorate finishes up either in the Patawalonga on one side or in the upper reaches of the Port River on the other, the water that eventually reaches the Gulf St Vincent is extremely polluted indeed.

The second problem relating to pollution involves the local councils being permitted in 1975, under the Local Government Act, to impose on-the-spot fines and expiation fees to stop this pollution going into our waterways. I intend to develop this argument at a later stage, but not in connection with this Bill. However, it is sufficient to say that, under the changes to section 748 *(a)* to *(d)* of the Local Government Act, very few councils—and a survey has been taken for me on this matter by the Parliamentary Library Research Service—have been prepared to use their powers to impose expiation fees for polluting the waterways. This problem will continue until local councils are prepared to use their powers under that Act, I do not wish to take up any further time in the House. I think that this is a very good Bill, which I think should be supported, particularly with the amendments that will soon be moved.

Dr ARMITAGE (Adelaide): I am pleased to be able to speak to this Bill, because I think it is an absolutely vital issue for South Australians generally. We are often reminded via an unfortunate fact of life—graffiti—that South Australia is the driest State in the driest continent and, if we are not prepared to protect that marine environment, I think we are failing in our duty. Given that we are talking about protecting our waters, I wish to talk in particular, first, about the problems of polluted waters and fishing. Fishing is the most popular sport in Australia, and I am anxious that every protection is provided so that recreational fishermen or commercial fishermen are not catching polluted or toxic fish.

As members know, 80 per cent of the fishermen catch 20 per cent of the fish. I openly declare an interest: unfortunately, I am in that 80 per cent of fishermen, but I still enjoy it. One thing that causes me anxiety is that the breeding stocks of fish are being affected by the various pollutants in our waters. I think this is a dangerous sign for commercial fishing and, perhaps equally, for recreational fishing with family involvement. I regularly take my family fishing and I am distressed to have to declare that, despite increasingly sophisticated equipment and better bait, I catch less fish.

Our waterways must be protected as a source of breeding areas for the fish. Waterways are contained within national parks. My experience of this is at the Coorong where a Liberal Government many years ago—I believe it was the Hon. David Brookman, when he was the Minister responsible—first declared the Younghusband Peninsula a national park. I think it is a lovely area, and that sort of move should be fully supported.

The Thames River has proved that a concerted effort by people can see polluted waterways brought back to life. Whilst it will be an expensive and difficult business, we must grasp the nettle now and work hard so that our waterways and rivers can be as productive as the Thames River. The rivers are used regularly as a source of recreation all over South Australia and, as I have mentioned, fishing, boat owners, shack owners and so on are affected when the environment is polluted.

I speak as the member for Adelaide and, whilst I do not share any coastal land, as does the member for Henley Beach, the Torrens River goes right through my electorate and the Torrens Lake is one of the major features of the area. I have been a longstanding advocate of seeing the Torrens River cleaned up. I am pleased to note that the Committee of Riperian Councils is working hard on this matter and I have indicated my support for that committee. Whilst I do not have as much of the Torrens River above my electorate as does the member for Henley Beach, I assure him that my electorate still gets plenty of sludge and material from up above and, having spoken to the various people in the Adelaide City Council about this topic, the solutions are not easy, but that should not diminish the urgency of our seeking the answers.

As part of the environment of the Torrens River within the electorate of Adelaide, the River Torrens Linear Park, which was proclaimed by the member of Chaffey when he was in another guise, is a wonderful feature of the Torrens River. Unfortunately, in some instances, I believe that the Government does not take enough care of this area, which is a major recreational feature for the whole of South Australia.

In particular I refer to the upkeep of the bridges over the Torrens River along the Linear Park. Whilst there are two jetties in the District of Henley Beach, there are nine bridges and three weirs in my district, and I assure members that they are the source of problems for local councils, but they ought not be. As part of the waterways, they are the responsibility of the Government, and the Government should look after them better.

My main concern about the Torrens lake is the pollution that comes down from upstream and also from the people who utilise the lovely lawns and so on near the lake. The condition of the area can be disgraceful at times, and I am anxious about that, given the increasing level of tourism in the electorate of Adelaide, particularly resulting from the hotel developments, from which people can see the Torrens River. Many people jog or walk in that area; indeed, Adelaide people utilise this area as a prime source of recreation. During the Adelaide Festival especially this area was utilised and, unless we clean up that area, it will become worse.

In terms of tourism and the use of our waterways, we sail between Scylla and Charybdis. It is all very well for us to promote our beaches, waterways and so on, and I am always pleased to see campers, houseboat operators and boat owners appreciating our environment but, there is the potential for those people to despoil the environment.

I am sure all members are appalled by industrial waste pouring into the waterways. I am pleased to note that there are greatly increased levels of responsibility within industry to stop this occurrence, and I am certain that this is a response to community pressure. I applaud the community for being willing to put pressure on sources of industrial waste. I am sure that some penalties in this sphere are effective. They work as a keeping-up-to-the-mark type stimulus for industry and I applaud the introduction of such measures. I believe similar pressure is good for individuals. It has been proven in South Australia that on-the-spot fines have stopped littering by individuals, and increases in penalties may well stop individuals from polluting our waterways. I will be happy to support amendments in this regard and, like the member for Henley Beach, I intend to refer to those specific amendments later.

Our waterways are vitally important to our general climate. The marine side of the equation between the land and the water is of prime importance. Land/water temperature gradients are responsible for most of the winds and breezes that Adelaide gets. Wind blowing over our waterways leads to evaporation, that is, rain, so that is a vital element in the regeneration. We owe it to—dare I sound a bit jingoistic—the future to ensure unpolluted waterways for our old age and for the future.

Despite supporting the general thrust of the Bill, I see some difficulties, which I intend to discuss later but, which I will preface now. For instance, has any thought been given to the barrage at Goolwa? Fresh water is often released suddenly through the barrage in an effort to unblock the

mouth of the Murray River. Many years ago there was a major flood and huge amounts of fresh water were released. Is this an example of pollution of the salt water? Certainly, salt water fish have not been found in the same quantities in the mouth of the Murray since then. There is biological pollution: things such as European carp or other fish, introduced as a method of controlling some other biological entity, may become a problem. Is that regarded as pollution? Certainly, the cane toad was originally introduced as a biological control.

The Murray River, the major waterway in South Australia, is badly polluted. The Murray River is a fresh water river, and we all know about the salt problems. Would a decision by a Federal Government to decrease funding aimed at stopping leaching salt water back into the Murray River be an offence in terms of pollution? I believe it may well be. I mention also the recent algae problem. The members for Heysen and Henley Beach have referred to the problems in Sydney, and I would like to look at this matter on a bipartisan basis rather than as a political point scoring exercise. There will be a need for improved infrastructure to handle things such as sewage. Sydney beaches are now ghastly; no-one is disputing that. But, unfortunately, Sydney is reaping the rewards of many years of neglect of the infrastructure for handling things such as sewage. I do not believe we ought to fall into the same trap. For 20 of the past 25 years the ALP has been in government, and the infrastructure for handling pollutants requires upgrading or even replacement.

The member for Henley Beach referred to employment in South Australia. Surely that would not be a bad place to start. If bipartisan support is necessary to provide funds to replace infrastructure so that pollutants do not escape into our waterways, let us do it now before it is too late. There has been reference to amendments that will be moved later to toughen up the Bill so that it equilibrates with legislation in other States. I believe they will achieve that. Quite frankly, I would assume that tougher mechanisms would have the support of the Government. My only query is why the Government has to be brought to a level of concern equal with that in other States by Opposition amendments. Quite frankly, I am surprised that the Government was not tougher in this Bill in the first place.

Mr BRINDAL (Hayward): As I rose yesterday to offer to the Minister my qualified condemnation for her water resources legislation, which she handled so commendably, so today I rise to condemn her. Since it has been my privilege to represent the electors of Hayward, I have had occasion to read a number of pieces of legislation which reflect on the diligence and considerable intellectual talent of previous members in this place.

What the Minister has placed before this House today demeans and degrades this Chamber and takes from this Parliament much of its authority as the deliberative and democratic forum for the legislative processes of the people of South Australia. The Minister, in other places, and the member for Henley Beach in this House today have berated members on this side of the House for their silence when this legislation was previously brought before the House.

I respectfully remind the Minister that this is a new Parliament and that there are 11 members in this Chamber, including me, who were not given the chance to speak on this matter previously. Those on my side of the Chamber who were here at the time of that debate—and I know it is not correct to debate the substance of the amendment—such as the member for Heysen, who has so commendably led our side in this matter—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr BRINDAL: The rapier for Napier might have a blunt tip but he has made me lose my place. If the member for Heysen, who has so ably led this debate, is not to be allowed the privilege of mature reflection on this matter, I would ask the Minister why she finds it necessary, before she presents legislation to this House, to so considerably amend the legislation, especially since my reading of the amendments suggests that they are very much in line with the amendments proposed by the member for Heysen?

In spite of that, there can be few Bills to come before this House more important than that with which we are dealing today, and that is why I express my disappointment with this Minister and with this Government. Marine environment protection is indeed a most important problem, a problem facing not only this legislature and those in other States but legislatures around the world. I believe that few people realise just how important our oceans are, and we should make no mistake that that is what this Bill deals with. While we are concerned here with coastal protection and the waters that abut our coast, nevertheless the pollution along our coastline affects the oceans of the world, and that can be amply demonstrated by books and authoritative sources from around the world.

It is a fact that 72 per cent of this globe is covered by water, and the oceans of the world are perhaps our most precious and important resource. The gaseous atmosphere and the liquid hydrosphere dominate and are totally responsible for much of the activity on the surface of the earth. In fact, the land mass is comparatively inert. A few brief illustrations show that, in the instance of heat, oceans are critical. As members opposite would know, the atmosphere acts as a protective layer and moderates the amount of radiation reaching sea level.

In the upper layers of the atmosphere the oxygen and ozone molecules absorb the ultraviolet portion of the radiation, thus protecting the biosphere from the damaging effects. As the rest of the radiation passes down through the atmosphere, part of it is absorbed by water vapour, part is reflected back by clouds and dust particles and is lost to space, while the remainder, about 50 per cent, is absorbed as heat by the land and ocean surfaces. Without the atmosphere and oceans, almost all the radiation would be re-radiated back into space. It is the ability of the oceans and the atmosphere, particularly the water vapour and carbon dioxide, and, to a lesser degree, the land surfaces, to store this energy that prevents it happening.

I believe that the heat absorption capacity of the oceans and of rain forests, about which members opposite are so fond of talking both in this and other places, accounts for 80 per cent of absorbed heat. In contrast, deserts and polar ice caps absorb less than 20 per cent. The consequence is that without our oceans, more importantly than our rain forests—

An honourable member interjecting:

Mr BRINDAL: —much of the heat would be lost. I heard the honourable member opposite ask whether this was a school lesson. No, it is not. This is a Parliament, a forum of the people of South Australia, and the reason why some of this is necessary in the debate is the amount of sanctimonious claptrap that I have heard coming from members opposite who paint themselves as green and yet do not even understand the start of the problem, let alone its complexity. That is really mind-boggling. If my standing here and giving you a talk on what it is about will improve your education, hopefully the people of South Australia may one day be the

better for it, because certainly the legislation that you present before this House—

The Hon. T.H. HEMMINGS: On a point of order, Mr Deputy Speaker, I would ask that the member for Hayward direct his comments through the Chair, not at members opposite.

The DEPUTY SPEAKER: The Chair was just about to remind the member for Hayward of that Standing Order.

Mr BRINDAL: I do apologise, Sir. That which members opposite put before this House shows an abysmal ignorance of this matter. The heat machine, that is, the oceans, is totally inefficient. It provides a retention rate of approximately 1 per cent. Nevertheless winds, rains and all other climatic factors are directly dependent on our oceans, and that includes the carbon cycle and the oxygen replenishment of the earth. The greatest source of oxygen replenishment on this globe is not the rainforest but the phytoplankton of the oceans. Scientists believe that they are responsible for the early production of oxygen in the formation of the earth, and continue to be responsible more than any other plant form for regeneration of oxygen in the world.

Similarly, the oceans cannot be underestimated as a source of storage for carbon dioxide. It is estimated that 50 times more carbon dioxide is stored in the oceans of the world than in any other natural form. It is also a fact that on the floors of the very deep oceans, there exists a substance called clathrates. Clathrates rest on the ocean floors in a form described as an ice; they are a mixture of methane and water which is kept stable by the temperature and pressure of the water above them. It has been estimated that there are 10 billion tonnes of this gas on the floors of the oceans, and it is the worry of scientists that, if the temperature of the sea rises or if the effects of pollution within the oceans becomes too great, these gases may be released into the atmosphere. It is also the belief of scientists that, in previous ice ages, they have played an important part in the warming of the earth. While perhaps not quite as dangerous as CFCs, they destroy the ozone layer and have an atmospheric life of a minimum of eight years.

Similarly, the role of nutrients in the ocean, which the Minister acknowledged in this place yesterday to be one of our major problems, is important. The introduction of phosphates and nitrates is not only leeching our soil but destroying the chemical and biological balances within the oceans. There have already been algal blooms near the outflows on Gulf St Vincent. The Minister knows the toxicity that such algal blooms can cause and the subsequent damage to marine ecosystems. Nitrates and phosphates are dangerous, not only because they skew the ecological system but also since nitrates and phosphorous can, in themselves, be poisonous and kill fish.

This is a problem of immense complexity, and I am not suggesting that we can solve it here today. However, it is a problem which deserves due attention, especially from Ministers of the Crown. I understood that the Westminster system gave Ministers certain responsibilities for every elector in South Australia: that Ministers should be informed—and informed better than an ordinary member of the Opposition—is something that should go without comment. My basic objection to this Bill is that it comes before this House without even a definition of 'pollution'.

It is very much a do it yourself type of wardrobe: it allows us to have a look at the fabric and does not really have any substance to it, yet it asks us to trust the Minister and this Government as to what they eventually will hang inside. They give us a shape, no more than that, and they tell us that all will be right because they will define pollutants and the various provisions of the Bill and that we should trust them. The actions of members opposite so far in this and in previous Governments lead me to believe that they do not deserve that trust. If the Minister can come into this place as she did yesterday and define 'pollution' in terms of the Water Resources Act, why can she not come here today—

Mr FERGUSON: On a point of order, I understand that members may not refer to previous debates in this Chamber during the same session. I ask you to rule on that, Mr Deputy Speaker.

The DEPUTY SPEAKER: The honourable member is correct in his interpretation of the Standing Orders, but there is no point of order in relation to the present speech. The member for Hayward is simply making a comment as part of his speech on this Bill. The Chair does not see a point of order in that.

Mr BRINDAL: Sir, may I make a personal explanation?

The DEPUTY SPEAKER: The honourable member may continue his speech.

Mr BRINDAL: This Bill, in fact, mentions the Act in question, which I believe makes it germane to this debate, and the Minister referred yesterday to this Bill, I believe, as companion legislation to the Bill passed yesterday. If it is not proper to discuss companion legislation, it seems to me a strange situation indeed.

As I have said, my main objection to this Bill is that the Minister does not seek to explain what pollution is in terms of this legislation, yet asks us to trust her in the way in which she can control it. In her second reading explanation, the Minister said that some of these problems 'require solutions different to those applied in other States, as South Australian coastal waters include the large gulfs but include few major rivers'.

In many ways I should have been prepared to accept it if the Minister had said that a definition under this Act was the same as a definition we have talked about previously, but I do not think for the purposes of this Act that that definition is good enough, since there are a number of forms of pollution, in terms of this Bill, which are not applicable in terms of water resources. A number of factors in terms of this Bill make it different from that with which we dealt yesterday, and I should like briefly to cover two of those.

The first is the situation which the Minister spoke about in her second reading explanation in respect of the gulfs. It is true that when settlement took place on the Adelaide Plains any freshwater that entered the gulf did so by way of a marshland around West Lakes and the Patawalonga, and therefore was brackish before it entered the gulf. Millions and millions of litres of freshwater are now being pumped into the gulf, and the water itself can have an effect on the marine ecosystem, since we are not pumping it into open ocean but into an enclosed system. Similarly, the process of heating water, while not detrimental to the water, is an established form of pollution for the waters into which it is discharged.

People who fish around the Torrens Island Power Station or at Port Augusta know that the effects of heated water discharged into a closed water system can be dramatic, therefore any definition within the terms of this Bill should include such things as heat and water itself as a pollutant within a closed system. As I have said, the gulfs are a closed system.

I was reminded yesterday that at Whyalla a ship rides three inches higher than it does similarly loaded at Port Adelaide. This increased salinity arises because Spencer Gulf is so large that the tidal movement does not exchange all the water with each tide. As a result, that system is properly termed 'closed'. This has dramatic implications for the dis-

charge of heavy metals at Port Pirie, and for such contaminants as may be discharged at Port Augusta or Whyalla. So, while I support the legislation with the amendments proposed by the member for Heysen, I ask the Minister to rethink the way in which it is presented to this House.

The Hon. T.H. HEMMINGS (Napier): I rise to support this Bill and to congratulate the Minister for reintroducing it so quickly after the election so that we can put in place effective measures for input into the control of our marine environment. I was not going to rise during this debate at all until I heard the speech by the member for Heysen. Quite frankly, I was amazed at what he said.

Let us look at who contributed to the debate in October 1989. The lead speaker was the member for Light, who said that the Opposition supported the measure. We then had a contribution from the honourable Speaker in his role as a member of this Parliament. The member for Eyre, in his contribution, was concerned basically about the oyster industry. We then had a contribution from the member for Flinders who reiterated the concerns of the member for Eyre about the oyster industry but also cited problems with some of the nutrients being used in that industry and some concerns about stormwater and sewers in and around Port Lincoln affecting the fisheries. That was the sum total of the contributions from members on the other side—and I include the member for Flinders in that, although I recognise that he is a free agent in this House. Basically, there was support. There was not one contribution from the member for Heysen.

The Hon. D.C. Wotton interjecting:

The Hon. T.H. HEMMINGS: That is fair enough: if the member for Heysen chose not to make any contribution during that debate, well and good. The member for Henley Beach did not make a contribution during that debate, yet he is not standing here making protests and calling across the Chamber as the member for Heysen is.

An honourable member interjecting:

The Hon. T.H. HEMMINGS: I can tell you why I didn't, but the member for Heysen made no contribution then, yet is so critical now. The line the member for Heysen is pushing, which is also being reflected by other members opposite, is that unless their amendments are agreed to they will not support the Bill. So, on that basis, I take it that they will not support the third reading. That is what the member for Hayward said, and that is what the member for Heysen implied. Also, the member for Heysen is a former Minister for Environment and Planning in the Tonkin Government.

An honourable member: Not a very good one.

The Hon. T.H. HEMMINGS: No, in my opinion the member for Heysen was quite a reasonable Minister for the Environment: with regard to planning, that is a different matter. One has only to go around the national parks to see the good work that the member for Heysen carried out on behalf of the Tonkin Government.

Mr Ferguson interjecting:

The Hon. T.H. HEMMINGS: As the member for Henley Beach says, one can see all the plaques, especially in the area of Flinders Chase. However, what was the reason that the member for Heysen gave the House for his present stand as opposed to his stand in October 1989? His lame excuse was that there was no time for consultation with interested parties. I prefer the member for Hayward's excuse for the member for Heysen (and I think the member for Hayward will be known as the apologist for the member for Heysen), which is that the member for Heysen is now suffering from mature reflection. That is a kinder way to put it. What it really means is that he is now the shadow spokesman and he now has to make a fuss and a noise.

The Opposition has cobbled together these amendments, based on these few areas where it disagrees, and it is now saying that it will oppose the Bill. I will watch the third reading with interest to see whether the Opposition has the guts to oppose this legislation. I very much doubt it, because when the Opposition comes to the line it usually crumbles. Opposition members know that there is a strong movement outside of people who are really concerned about the environment, and so they should be, and if that rabble over there on the Opposition benches opposes the third reading I am sure my colleague the Minister will see that all those groups know about it.

Let us talk about consultation. When the White Paper was put out, 42 responses were received, 15 of which were accepted as late responses. That is an indication of how concerned the Minister was in getting a complete collection of views from the community. Overall, those responses were extremely supportive. The responses came from conservation groups and industry and it is interesting to see those conservation organisations that responded directly to the original White Paper: the Port Adelaide Residents Environment Protection Group, a fairly influential group around the Port Adelaide area, where the pollution, not only of our rivers but also of the coastal areas, is quite predominant; the Group for the Protection of Coffin Bay Waterways; the Marine Life Society of South Australia; and the Nature Conservation Society of South Australia. I note that the Australian Conservation Foundation and Council did not respond to that original White Paper. Industry was generally supportive.

It is relevant to note yet again the comments of the Chief Executive Officer of the Australian Chemical Industry Council, Mr Frank Phillips. He wrote a letter to the press saying that industry is determined to weed out irresponsible operators and has consistently supported statements of effective laws and tough enforcement of environmental standards. We have had it from the conservation groups, saying it was necessary; we have had it from industry to say it was necessary but, because the member for Heysen is now the shadow spokesman, he has to make a name for himself. My colleague the member for Henley Beach asks, 'What did he contribute?' He contributed nothing. All he did was read out a series of press releases that had come to him.

At least I am honest. I supported the legislation in 1989 and I support the legislation now. It has given me great pleasure to point out to the House and to the community of South Australia the hypocrisy of the member for Heysen. So far, we have heard only the member for Adelaide, who spoke about fishing, and the member for Hayward, who seems to think that his sole duty in this House is to stand up and lambast this Government and the members opposite him. We will eventually train the member for Hayward.

Returning to the legislation, as the member said, it fulfils a Government commitment to introduce additional protective legislation for the marine environment. It provides that all discharges not covered by any other legislation will be licensed annually. What this is saying is that the polluter pays. Everyone in this House, despite their objections to the legislation, and the feasibility they will vote against the third reading, would agree with the 'polluter pays' philosophy. It is interesting to see that there is another document which the Minister mentioned in her second reading explanation and which goes hand in glove with this legislation, that is, the publication put out by the South Australian Engineering and Water Supply Department, entitled, 'The

Strategy for Mitigation of Marine Pollution in South Australia', which provides for further sewage treatment to reduce the contaminant load to the sea. It may be of interest to the House to quote some of the—

Members interjecting:

The DEPUTY SPEAKER: Order! The Chair cautions the honourable members for Heysen and Bragg. The honourable member for Napier.

The Hon. T.H. HEMMINGS: Thank you for your protection, Mr Deputy Speaker. Before I read out some parts of the summary of this strategy, it is interesting to watch the behaviour of the member for Heysen and the member for Bragg, in that they treat somewhat flippantly this whole area of marine environment and the contributions being made on this side of the House. If they do not actually agree with what I am saying, they feel that they should have their jollies and get a bit of a laugh. I have been around the place a lot longer than the member for Bragg, and I am sure that I will be here a lot longer. The summary of this strategy indicates what this measure is all about:

> This paper provides strategies for the treatment and disposal of sewage in anticipation of the legislation on the control of marine pollution and identifies options for reducing the impact of stormwater on the marine environment. Themes of the strategies are the need for integrated and co-ordinated water resource management, including public involvement, control of pollution at its source, and the recognition of the resource value of sewage and stormwater. Emphasis is placed on reuse of waste water where this is practised. However, discharge of high quality effluent to the sea is an acceptable, cost effective option where there is adequate dilution and dispersion in the receiving waters.

It then goes on to talk about the whole area of concern that this legislation picks up:

> Nutrient enrichment resulting in seagrass degradation through excessive epiphyte growth, luxuriant seaweed growth, which is a nuisance for recreational use of beaches and for bathing and fishing, and in phytoplankton blooms, some of which are highly toxic;
> bacterial contamination of bathing waters and shellfish;
> heavy metal contamination of shellfish;
> unsightliness of turbid stormwater and sludge discharges.

It goes on to outline a program whereby this Government, through its capital works program and its increased use of recurrent expenditure, can take effective measures to control that aspect of the marine environment.

The two go hand-in-glove, and I commend the Minister's department for producing this document, which can be used not only by the Government but also by local government and private companies involved in the disposal of waste in South Australia. I urge members opposite not to be dictated to by the grandstanding of the member for Heysen who wishes to make a name for himself in dealing with his first Bill as the shadow spokesman.

Therefore, I urge the Opposition, even if it loses its amendment—and I am not sure what the Minister's response to the amendment will be—not to throw out the Bill in a fit of pique. The Opposition will not make any friends in conservation groups or industry by doing that. I advise the member for Heysen to take it on the chin, old buddy—there is plenty of time in the future.

Mr HAMILTON (Albert Park): It is with great pleasure that I support the Bill. Before dealing with the Bill, I would like to comment on a couple of statements made by members opposite. First, the member for Hayward's attack on the Minister in charge of the Bill was a sad reflection on the honourable member. It is sad because anyone in this place with half a brain, or anyone with experience of the political scene, knows that there is a no more dynamic Minister in this Parliament than the Minister in charge of this Bill.

Mr Ingerson interjecting:

Mr HAMILTON: Members opposite and members on this side, as well as the member for Bragg, know only too well that I call a spade a spade and, if members do not like it, they can lump it. My own Ministers know that, as does the member for Bragg. I will not be distracted by the idiotic statements of the member for Bragg, who did not fare too well in a certain contest years ago. I do not like to remind him of that, but he did not shape up too well and he has not done so well in this place, either.

As I have said, the comments of the member for Hayward were unfortunate, because anyone who is fair in his assessment of the Minister's ability would know that since becoming Minister for Environment and Planning she has done a fantastic job. Certainly, I am the first to criticise my own colleagues, both in this place and outside, if I consider it warranted, as my colleague the Minister of Housing and Construction knows.

Unlike some members opposite, the Minister for Environment and Planning has been able to address issues in my patch, and I will refer to those in a moment in respect of this Bill. As soon as my colleague became Minister I wrote and congratulated her on her appointment and then said, 'Now comes the crunch. I want you down in my patch to look at issues down there.' To the Minister's credit, she visited my electorate and took a submission to Cabinet and sorted out the problem.

During Question Time today I asked the Minister, as members will recall, about the sand-dune problem in my area. Certainly, I will not walk away from a problem, and my own colleagues know that if a problem exists I will address it and will continue to address it. I will give further illustrations later. However, that is unlike the Minister in the former Tonkin Government—the member opposite—the mouthpiece and spokesperson on the Bill, who was probably the worst Minister I ever met in terms of ability in this place in my 10 years here.

In my opinion, as a Minister, he was a fool of a man. I recall vividly constituents who had a noise problem at Allied Engineering in Royal Park. To his eternal damnation the then Minister suggested that those people ought to visit the Beaufort Clinic to try to get redress, without resolving the problem that caused them so much concern. Over a period of seven years this Government has addressed that issue. I am sorry, Mr Deputy Speaker, I am getting away from the Bill, but I will come back to it.

Many issues in my district impact closely on the Bill. I refer to 1979 when I wrote to the then Minister of Water Resources. It was not long after I entered this place on 1 October 1979. My letter related to the Port Adelaide Sewage Treatment Works, which impacts very much on the marine environment, and the treated effluent in the Port River and the sludge out in the gulf. Again, members will recall that yesterday I asked the Minister a question about this, as I have done from 1 October 1979 when I first became a member. I will not walk away from these issues. If they are to be addressed, I will address them, but I will come back to that point later.

Other matters impact on the Bill, for example the arsenic impregnated soil at Hendon which, unfortunately, the State Government took over from a developer in conjunction with the South Australian Housing Trust. I have no doubt that the question of the arsenic impregnated soil, if it is not properly addressed, could impact on the watertable of the area. I raised that matter with the previous Minister repeatedly in respect of safeguards in the area.

In terms of the pollution in my electorate, the Port River drain has been a concern of mine for a long time, and quite

properly so. I will come back to the action that I have taken as the local member to try to get that problem addressed. The problems in respect of the West Lakes waterway are shared not only by myself but by the Minister and the member for Henley Beach, and it is a problem that I have constantly and determinedly addressed. Certainly, we are finally starting to get somewhere, given the introduction of this Bill.

I have always addressed questions of the environment in my electorate ever since I entered this place, and I want to go through that record. I refer to the environment around Football Park, that is, the lighting issue, the noise control in respect of Allied Engineering and Celtainers at Royal Park, the Semaphore Park and West Lakes coastal dunal erosion, the arsenic impregnated soil issue at Hendon; the Coast Protection Board issue with the encroachments; the Port River drain; the Port Adelaide Sewage Treatment Works; and the West Lakes waterway.

As to the West Lakes waterway, I was convinced many years ago that there was a problem because of the amount of stormwater that poured into the waterway. I remember receiving correspondence from a Minister who said, 'The West Lakes waterway is badly engineered.' I was stunned when I read that comment. Certainly, it justified clearly the question that I had raised in the media in my electorate. I remember receiving a copy of the Woodville council's draft report on the West Lakes waterway. I read it and was concerned about it and gave the report to the media. I was not there to hide the issue. The stark reality today is that we are starting to get somewhere in addressing the impact that freshwater has, in terms of the Bill, on the pollution of inland waterways.

I have been to Western Australia and to Wyong in New South Wales to look at the Tuggerah Lakes, where I picked up an interesting pamphlet about water pollution. Also, I had discussions with those involved in the Canberra Development Corporation (if that is its proper name). I understand that the Health Commission, in conjunction with the Department of Marine and Harbors and the Woodville council, will pick up some of the ideas expressed in the Tuggerah Lakes pamphlet (and I must place on record my appreciation to the Wyong council for its assistance). This pamphlet talks about some of the problems that stormwater can have on inland waterways, which we all know eventually feed out into the sea. It states:

Do you . . .

1. Wash your car and allow the detergent and grime to run into a street gutter?
2. Put garden refuse, grass cuttings or leaves in a street gutter or on the lake edge?
3. Indiscriminately use fertilisers or pesticides on your garden?
4. Hose accidental spillages of oil, grease, paint or other substances down drains and gutters?
5. Pour unwanted oil or grease down a drain or gutter?
6. Allow areas of your property to become denuded of vegetation and erode?
7. Remove trees or vegetation from foreshore reserves?
8. Litter?

If the answer is 'Yes' to any of these questions you are polluting the lake and breaching the Clean Waters Act!

It then outlines the things that residents can do to help. On 29 April 1988 a meeting concerning the operation and condition of the West Lakes waterway and attended by many organisations was held in the Health Commission. This issue caused me a lot of heartburn. I was threatened with being sued and was berated by developers in the area. However, I was not prepared to walk away from it, nor will I. The reality is that West Lakes is a tremendous development. However, there were problems but, I am proud to say they are being addressed by this Government. I believe that I have contributed significantly in highlighting those problems.

I have spoken to people in the Health Commission about the pollution of the West Lakes waterway and this matter is now being addressed. I hope that in the next couple of months two pamphlets will be distributed with the support of the Department of Marine and Harbors, the Health Commission and the Woodville council. I understand that one pamphlet will be for residents and will be similar to the Tuggerah Lakes pamphlet; and the other will be for visitors and recreational users of the lake. I understand that the pamphlets will talk about the problem of the influx of stormwater into the waterway and its impact on those swimming or engaging in aquatic activities. It will also talk about garbage refuse, excessive use of fertilisers, oil and detergents, dog faeces, wood chips and other organic matter.

This situation will need to be addressed by at least three and possibly four councils in my area—Henley and Grange, Hindmarsh, Woodville and possibly Port Adelaide. A huge amount of freshwater flows into that lake. From memory, there are some 26 inlets for polluted freshwater to come into the lake and this brings in lead and contaminants, and the traps do not overcome that problem.

There is also the problem of people taking shellfish from the waterway. The mussels are polluted and are dangerous, particularly to pregnant women. As all members know, lead remains in the body and can have a disastrous effect on a foetus and young children. For many years, I have been concerned about swimming in the lake. I applaud the fact that people use the lake for recreational purposes such as fishing, swimming, boating, windsurfing, rowing and picnicking, but some of them leave their litter all around this lake, and this contributes to its pollution.

I have digressed from the issue of the Port River drain, but the flow of water through it and through the Henley and Grange drain is of major concern to me. The Port River drain, which comes from almost Hindmarsh, flows into the West Lakes waterway and most of that water comes from rain run-off and contains lead from motor vehicles, bird droppings and dog faeces. This Bill is important not only for the marine environment along the coast but also for the West Lakes waterway.

I now turn my attention to the Port Adelaide Sewage Treatment Works. When in Opposition I received a disappointing letter from the then Minister (Hon. P.B. Arnold) in relation to this issue. I have a large file in my electorate office on this matter and, when going through it, I was struck by the impact that the works has on the local environment and my constituents. The then Minister's letter states that the Port Adelaide Sewage Treatment Works would be equal to that of the Glenelg Sewage Treatment Works. In part, the letter, dated 14 February 1980, states:

> The Engineering and Water Supply Department is presently constructing permanent odour control facilities. When completed, it is envisaged that the appearance and operation of the Port Adelaide Sewage Treatment Works will compare favourably with that at Glenelg, which has co-existed with residential housing for many years without causing concern to its neighbours.

We all know that that is not the case. Despite the fact that a lot of money has been spent by successive Governments, it has not overcome the problem. Shortly after the present Minister came to office I led another deputation to her in relation to the relocation of the Port Adelaide Sewage Treatment Works. As members would be aware, yesterday I raised in the House the question of the disposal of sewage sludge into the gulf. There is no doubt that it does impact on the marine environment, particularly on seagrasses. I look forward to the day when sludge and effluent is used

on woodlots and other areas and is not allowed to flow into the marine environment.

I have written to all the Ministers of this Government about the promises they made during the election campaign. It is very easy to make promises; it is another thing to live up to them. I do not intend to walk away from this issue, because I believe that the upgrading of the Port River and the local marine environment in my electorate and the surrounding electorates is of critical importance.

As I have said to the Minister, I do not intend to walk away from this issue, and I have not done that since I entered this place in 1979. I congratulate the Minister on the manner in which she has handled the portfolio thus far. I know that she is not perfect and that she is not God. However, I believe that she puts in a tremendous amount of work. On just about any occasion she has been prepared to meet different groups on whose behalf I have made representations to her. She has not yet knocked me back in that regard but, if she does, she will hear about it. I congratulate her on this Bill, which I hope has a speedy passage. The Bill may not be perfect but I think, from my reading of it, it is the best I have seen so far. I support the Bill.

The Hon. JENNIFER CASHMORE (Coles): This Bill to protect the marine environment is important legislation, which I support. It has been a long time coming. It could certainly be improved and I hope that, before the Bill passes this House, it will have been substantially improved. It is essentially a licensing Bill. Therefore, its effectiveness will depend largely upon the nature and quality of the regulations that are framed under it. Its effectiveness will also depend, as indeed all laws do, upon the standard of administration. That point was made strongly in debate last night on the Water Resources Bill, and it is no less important in terms of this Bill to protect the marine environment.

Probably one of the most important clauses in the Bill is the requirement for the Act to bind the Crown. The impact and import of this upon the State and its taxpayers is profound. I regret very much that there was no reference in the Minister's second reading explanation to the cost consequences of this Bill. If we are to mean what we say and act upon it in terms of protecting the environment, the community should be made very much aware of the cost of doing so. In my opinion, the time to do that is at the outset when legislation is introduced. There is nothing documented in the material before us (although I have no doubt that the Minister could, if pressed, give us round sum figures) as to the annual cost to the taxpayer over the next decade of the implementation of this Bill. I believe that the House is entitled to that information as is the South Australian community. The principal consequence as far as the Crown is concerned is, as other members have said, in connection with the ceasing of discharge of sewage effluent into the gulfs.

The marine environment is something which we are only just starting to come to terms with in relation to the impact of human activity upon the sea. From time immemorial people have revered, celebrated, respected and feared the sea, and those emotions and responses have been perpetuated in literature. From Homer to Thor Heyerdahl, from Melville and Conrad to modern day authors, from the great poets Milton, Tennyson and Arnold, in English literature we have a magnificently rich heritage of observation of the sea. Probably one of the most important observations of the sea celebrated in twentieth century literature is the book entitled *The Sea Around Us* by Rachel Carson first published in Great Britain (although she was an American) in October 1951. This book and Rachel Carson's other book *The Silent Spring* could be taken as the harbingers of the modern environmental movement.

The Sea Around Us is certainly worth reading again, for those who might have read it as I did nearly four decades ago, to refresh our memories as to the precious nature of the resource that we who live on coasts often treat so lightly. Because the writing is so evocative, I would like to read into the record a few of the passages which make us think about the importance of the Bill that we are enacting. In the first chapter of the book, Rachel Carson outlines the origin of the sea itself and she says:

> As soon as the earth's crust cooled enough, the rains began to fall. Never have there been such rains since that time. They fell continuously, day and night, days passing into months, into years, into centuries. They poured into the waiting ocean basins, or, falling upon the continental masses, drained away to become sea.
>
> That primeval ocean, growing in bulk as the rains slowly filled its basins, must have been only faintly salt, [but], over the aeons of time, the sea has grown even more bitter with the salt of the continents.

Further on, again referring to the salinity of the sea, Rachel Carson states:

> Because of the enormous total chemical requirements of all the flora and fauna of the sea, only a small part of the salts annually brought in by rivers goes to increasing the quantity of dissolved minerals in the water. The inequalities of chemical make-up are further reduced by reactions that are set in motion immediately the fresh water is discharged into the sea, and by the enormous disparities of volume between the incoming fresh water and the ocean.

Further on still she relates the evolution of human beings to their commencement as marine animals and she states:

> Fish, amphibian and reptile, warm-blooded bird and mammal—each of us carries in our veins a salty stream in which the elements sodium, potassium, and calcium are combined in almost the same proportions as in sea water. This is the inheritance from the day, untold millions of years ago, when a remote ancestor, having progressed from the one-celled to the many-celled stage, first developed a circulatory system in which the fluid was merely the water of the sea.

I choose as a concluding passage from Rachel Carson's book the one which I believe is most pertinent to this Bill:

> [Man] cannot control or change the ocean as, in his brief tenancy of earth, he has subdued and plundered the continents. In the artificial world of his cities and towns, he often forgets the true nature of his planet and the long vistas of its history, in which the existence of the race of men has occupied only a moment of time.

That is a scientific and philosophical observation of the sea. In debating this Bill, we are required to look at the practical means of protecting the sea from the depredations of human activity. As was mentioned in the Minister's second reading explanation, South Australia is fortunate in one sense, insofar as we do not have a great deal of heavy polluting industry along our coasts.

That, in the sense of employment and economic activity, may seem to be a misfortune. In terms of its environmental consequences, it is a very benign result. However, because of the configuration of the South Australian coastline and the Gulf St Vincent and Spencer Gulf our protected waters are much more vulnerable than ocean waters would be to the result of human activity. This means that we in this State have to be particularly careful.

There has been reference by other speakers to the question of fines since this Bill is based on the principle of the polluter pays. Clearly it is desirable, because of the national nature of much heavy industry, for the States to provide uniform fines. However, that has not been the case so far. For example, New South Wales has introduced fines of up to $1 million. That is the level that the Opposition believes is appropriate in view of the corporate nature of polluting industries in the main. Some small industries are heavy polluters but, in the main, the big polluters tend to be the

big corporations, which are not in any substantial way deterred by fines of tens of thousands of dollars.

New South Wales has heavy industry and big corporations; South Australia has problems of not such a significant nature, but our coastline is different, our gulfs are more vulnerable and our marine environment is just as worthy of protection and special measures to ensure that that protection occurs. Therefore, I would argue strongly for uniform penalties at the higher end of the scale rather than at the lower end or middle of the scale.

The definition clause, clause 3, is obviously a key clause and, in the eyes of the Opposition, is deficient in that it does not contain a definition of 'pollution'. We trust that by the time the Bill is passed in this House deficiency will be remedied with the support of everyone on the other side of the House. Another key clause, obviously, is clause 6, relating to the control of discharge and providing:

(1) A person must not discharge, emit or deposit prescribed matter, or permit prescribed matter to be discharged, emitted or deposited—

(a) into declared waters;

(b) into coastal waters;

or

(c) on land that constitutes part of the coast.

That clause in itself indicates the critical nature of regulations. What is prescribed will obviously determine whether we continue to pollute the sea, albeit it in a less destructive manner in the future than in the past, or whether the regulations are of a nature that will ensure that our sea is, indeed, virtually unpolluted as a result of human activity. Clause 6 is really the pivot clause around which the regulations revolve.

Another key clause, to my mind, is clause 17 relating to the suspension or cancellation of licences. There is one subclause which I consider to be an enlightened inclusion. When I read it I recalled my studies two years ago in environmental and planning law and the court cases which have been conducted in other countries as a result of activity that has had unintended effects, which were not envisaged when licences were granted. That has often posed problems for licensing authorities in other countries. I am pleased to see that that problem has been foreseen and has been dealt with under clause 17, which ensures that a licence can be suspended or cancelled if unforeseen activity has an unintended effect upon the pollution of the sea.

In conclusion, I refer particularly to two aspects of pollution that will obviously be important when this Act is being administered. One of those aspects has been referred to by other speakers and it is pollution of metropolitan rivers, in particular the Torrens River, in which I have an interest, because whilst my electorate no longer includes the Torrens River it did once and my electorate certainly embraces part of the Torrens Valley.

Last year, in speaking to another Bill, I referred to the pollution that is entering the Torrens River by means of street drainage. Vegetable matter, mineral matter, all kinds of chemicals and industrial effluent are being poured illegally down street drains and are going into the Torrens. I would like to know from the Minister, during the Committee, how this Bill, in binding the Crown, will cope with that problem. Is it the responsibility of local government to ensure that drainage ponds and racks are in place to prevent pollution by substantial matter, or is it the responsibility of the State Government? If so, who will pay?

An honourable member: Who do you think will respond to these queries?

The Hon. JENNIFER CASHMORE: Well, the Minister has left the House, so obviously she cannot respond. I acknowledge that this is a long debate. Material made available to me by the River Torrens Standing Committee last year states that considerable silt content, along with vegetable matter, finds its way into the river system via the street drainage mainly because of insufficient road maintenance and cleaning. I repeat, who is going to be responsible if the Crown is bound? Will it be local government through payment by the State Government? Will the State Government expect local government to maintain immaculate street cleaning and install trash racks? Who will do it? We must know the answers to these questions before this Bill is passed.

The other issue relates to Port Pirie and it has been raised by other speakers. A few days ago I received a letter from a pharmaceutical chemist and his wife who live in Port Pirie. They referred to lead pollution and SX Holdings and said that the marine pollution Act must include strictly defined limits for pollution from the Pasminco-BHAS source and that adherence to the limits must be strictly policed by an independent body. They said:

It is just not good enough for something as important as this to be left to the discretion of a Minister. We promote fishing to the tourists. Just how safe is it to eat the fish that feed on the lead polluted seagrasses? The other area of concern is SX Holdings and their rare earths plant in Port Pirie. It seems the height of stupidity to even consider establishing such an industry in the city itself—close to people, in an area prone to flooding by heavy rain and high tides.

Here we have the spectre of marine pollution in an industry which the Government appears to be welcoming if not encouraging. My correspondents say:

While we see some merit in cleaning up the existing tailings dam, under carefully monitored conditions, this should be the end of the project. We can predict only too well the scenario for stage 3. SX Holdings say, 'We have spent millions setting up the plant, it employs a number of people, we must be allowed to continue.' City Council and the Government want jobs, so they agree.

But, as my constituents say:

We don't want another Wittenoom five, 10, 20 years down the track in Port Pirie.

And to that we all say 'Amen'. In conclusion, I want to refute the extraordinary statements made by the member for Napier and the member for Albert Park and to completely reject the personal abuse that they heaped in a quite unwarranted fashion on my colleague the member for Heysen. They stated that he had not spoken on the Bill last year. May I remind members of the Government that the second reading debate on the Bill took place on Tuesday 24 October 1989, with the debate on the Bill proceeding on the succeeding day, Wednesday 25 October. The Bill was introduced on Wednesday 18 October. The majority of members of the Opposition had precisely 24 hours in which to study that Bill. True, a copy had been given to the shadow Minister, who had tried to consult in the limited time available—two working days—and obviously had not been able to do so effectively.

The SPEAKER: Order! The honourable member's time has expired.

Mr GUNN (Eyre): I am pleased to participate briefly in this debate because I believe that, when we are debating matters as important as this, it is essential that we take a balanced and responsible view, and that the comments made in relation to particular enterprises and industries are made in the light of the situation which we have arrived at today. It is very well for certain interest groups to race around the country wildly and make inflammatory remarks about heavy industry, agriculture, mining and other groups which may have in some way caused a certain degree of pollution but, at the particular time when those industries were set up, they complied with the regulations in force at that time.

Therefore, in debating an issue such as this, we have to keep our feet very firmly on the ground, because I believe it does the cause of concerned people a great deal of harm when they allow emotive headline seeking and, in many cases, make outrageous comments which bear little truth regarding the actual situation.

I have been particularly concerned in recent times about the ongoing comments being made in Port Pirie and other places, because I believe that those responsible for these headline seeking comments really have another agenda. My electorate runs very close to Port Pirie. It includes the Flinders Ranges National Park, and I believe it may be necessary in the future to use some of that facility to keep Port Pirie going—but that is an aside. I am concerned that a large number of people in Port Pirie need that industry to maintain a livelihood. That does not mean to say there should not be improvements in the methods of discharge of the materials in question, but let it be done in a sensible fashion. I really wonder whether this character called Mr King or someone, who has been racing madly around the country making all sorts of highly inflammatory and nonsensical statements, wants the problem solved. I do not think he does. I personally think he is engaged in some ego trip in an attempt to gain some political support for the Federal election. I do not suppose he will let anything get in the way of spoiling a good story—particularly the facts, and that really does concern me.

In this country, if we are to have any hope of maintaining our standard of living and maintaining jobs for people, we have to keep all these things in balance. We have to ensure that industry is given sufficient time. It is all very well for us in this Parliament to pass any law that we like, and we can all get up and make all sorts of irrational and quite outrageous comments about what should be done, and pass whatever law is necessary but, at the end of the day, those laws have to work and it has to be possible to enforce them. They have to be designed in such a way as to seek the cooperation of industry. These things cannot be imposed. We have groups such as Greenpeace racing around making the most outrageous comments about Roxby Downs, with no relationship to the facts. Obviously they will get a good headline. We have had this matter at Port Pirie, and I guarantee that in the next few months highly emotive, inflammatory and nonsensical statements will be made in other areas of the State. It is about time that some of these fringe groups that purport to represent the environment got their feet back on the ground and used their commonsense. I am thoroughly sick and tired of having to listen to some of this drivel we are hearing.

I have one desire in this House: to see commonsense prevail and people's jobs protected. We must take a balanced point of view and positive steps to protect the environment. I am a farmer in private life. If I and those associated with the agricultural industry do not protect the underground waters, we will not be able to raise our stock: it is as simple as that. It would only be a fool who would deliberately pollute the waters, the underground basins, rivers, creeks or dams. We in this Parliament and those people charged with the responsibility to implement and administer the Act must do so through cooperation, education and discussion. If those processes take place, we will not have a great problem. I know very few people who want deliberately to set out to destroy the environment. That is a very shortsighted course of action; it is really a prescription for bankruptcy in most cases. The industry will cease or the Government of the day, after repeated offences, will close it down, but that is the very last course of action.

Unfortunately, these fringe groups which are racing around the country, such as Greenpeace and Mr King or whatever his alias is, and other odd-bod publicity seeking groups, make most of their comments in relation to closing down industry first. They do not want to talk about it and try to solve it. That does not suit their particular purpose and role. That really concerns me, because most responsible people, no matter what side of politics they are involved in, have to use some commonsense at the end of the day. I am particularly concerned that certain members of the media are promoting these fringe groups whose sole purpose is to appeal only to a very minor section of society.

I have only one or two concerns with this legislation. I sincerely hope that it will be implemented in a manner that will not have an undue effect upon the oyster industry. When the Minister responds—and I have no problem with the fact that the Minister is not here at the moment as she was involved in a very long debate last night and obviously this will be a fairly lengthy debate—I would appreciate her comments on that. The granting of oyster leases on Eyre Peninsula has been a relatively new exercise, and the industry has developed well and I think everyone wants to see it be successful, so I hope that the provisions and regulations associated with this Act are implemented in a state of cooperation with the association that represents these people.

Some concerns have been expressed to me in relation to the original documents which went out in support of this legislation. Therefore, I hope that the Minister will address that issue. I do not think that there should be any problems, but I suggest to the Minister that she endeavour to ensure that the concerns are taken into account because this will be a relatively important piece of legislation, even though it is not that significant at the moment. I believe that there is a lot of potential for fish farming in general in this State and, therefore, we do not want to get the people involved offside when they are establishing this industry. We want to encourage other people to go to fish farming. The Minister at the table, having been the Minister of Fisheries, would be aware that there is potential and that there has been some controversy in relation to this matter.

The other matter of concern to me is that undue restrictions will not be placed on people responsibly using chemicals, with people attempting to stop them from spraying, whether the areas be close to streams, creeks or rivers, because I know that there have been some difficulties. In my experience in agriculture, unfortunately chemicals have become an essential part of the job. It is something I am not happy about, but that is absolutely necessary. In many cases it is not possible to grow a viable economic crop without using chemicals.

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

Mr GUNN: Prior to the dinner adjournment, I was expressing my concern that the debates which will continue to take place on this legislation and its effects should be rational and responsible, and that decisions which must be taken should result from cooperation, consultation and commonsense. The approach put forward in the editorial in this evening's *News* is the sort of approach that will assist this nation and the responsible people, including the agricultural sector, who are trying to ensure that we have a balance to this matter. The editorial states:

> Mr McLachlan points out that Australia's agricultural productivity has grown at twice the pace of the rest of the economy over the past 25 years without loss of fertility. It is a view which stands out from the rest of the snake oil being peddled in the name of economy. Environmental concern and land use can and should go hand in hand. What a pity there is so little evidence of lateral thinking elsewhere.

Those comments sum up my views on this legislation. Foreshadowing an amendment I will move in Committee which will enhance the Bill, I support the second reading.

Mr BLACKER (Flinders): I support the Bill in principle, inasmuch as there is a need in this State for some legislative powers to control the various forms of pollutant that can contaminate our coastlines, seas and waterways. However, I have a few concerns. I guess it will only be a matter of time and, probably, reassessment by this Parliament for the legislation ultimately to come into effect. I am concerned about the growing area of aquiculture and the number of aquicultural or marine-related industries that have the potential to be developed in our area.

The member for Eyre mentioned oysters, since he has a number of oyster leases in his electorate. Similarly, there are a considerable number of oyster leases in my electorate and increasing interest in the development of that industry. Lobster and some of the scale fish species are also being looked at as potential industries for the area. For any of these industries to work, pristine waters are essential. If this legislation has the ability to control potential pollutants that could effectively wreck an industry, we must look at it very seriously. I should like to raise the point about sewage at Port Lincoln where, as all members know, raw sewage is presently being pumped into the sea. However, a considerable amount of investigatory work is being undertaken to resolve that position. I am grateful that that exploratory work is under way.

Already one public meeting has been held to discuss with all sections of the community the activities of the E&WS Department in exploring the development of a sewage treatment works, and I understand that there will be another public meeting in the not too distant future to upgrade the advice already given and to try to obtain some indication of when a building program will be implemented, to ensure that there is no further pollution of the area.

I raise this point since I believe that on Lower Eyre Peninsula—and, more particularly, in the Port Lincoln area around Porter Bay, Proper Bay and Boston Bay—the time is ideal to implement a complete waste management plan. The local council is endeavouring to relocate the rubbish tip, although it is having some difficulty in finding a site for the tip within the council boundaries. We also have difficulties with the disposal of rubbish from the District Council of Lower Eyre Peninsula and the District Council of Tumby Bay as well as problems in disposing of the waste from the fish factories.

I note that a private entrepreneur is looking at the development of a fish meal factory. We have a problem with the disposal of effluent from the Port Lincoln effluent scheme so, in all, Port Lincoln is ideally situated for a total waste management program. If it were handled correctly and cooperatively by all Government departments and other interested bodies, Port Lincoln could become a model of waste management.

Much has been made of waste management and recycling. We do have the marine depots for bottles and cans, and we had a very effective paper waste management program which, unfortunately, because of the unsaleability of waste paper, is not working. All these concepts need to be taken into account.

Getting back to the problem of marine pollution, one of the hard litters, if we can call it that, that is causing considerable trouble is plastic bags. There is also the problem of nets used in fishing which might be torn and left in the sea. I believe that this is a most criminal action, because a nylon monofilament net, having been torn and discarded at sea, continues to catch fish indefinitely. That ruins a resource that could be used in a profitable way but, more particularly, I am concerned that it destroys a resource by the inconsiderate manner in which it is being left in the sea by the former user.

Control of marine pollutants goes a little further than that, and I refer here to the underground water that serves the whole of Eyre Peninsula, namely the Uley-Wanilla Basin and the Lincoln South Basin, which have outflows of fresh water into the sea. It is important that those outflows be monitored since, if the underground water is overpumped, we get a reverse action whereby the seawater could come back into the underground basin and totally ruin it. That is very much subsidiary to what we are talking about, because the ultimate nature of the seawater in the immediate area is the major concern. There is always concern for the fishing industry there. We need to be able to control not only the sewage but also the outfalls from the meatworks and fish factories. In the case of the meatworks, the outfall has been flowing into Proper Bay for some 55 years and has seriously affected the marine environment in the immediate area.

Stormwater is an issue about which very little has been said so far but, no doubt, every city with stormwater coming off the streets, with oil pollutants or scum on the roads, which gets washed out to sea, has an effect. There is also the effect of massive volumes of freshwater being directed into the sea at a certain point and upsetting the ecological balance of the area. I am told that even in the Port Lincoln area, where there is considerable disgust about the raw sewage being pumped into the sea, the greatest problem is the massive volumes of freshwater being pumped in at the same time.

The mixture of freshwater and seawater causes greater ecological damage than do the contaminants involved in the raw sewage: I am not in a position to argue that, but the point has come up during the discussions thus far. I asked one of the departmental officers why the sewage was not salted as it goes out to sea, if that was a problem, since we have access to considerable amounts of salt. Whilst I am given to understand that that is a possibility, it is doubtful whether the benefits would outweigh the costs.

I wish to leave it at that point and to have it known that I am conscious that our seaways and coastlines need to be protected, because the next decade or so will see a massive increase in the applications for agricultural types of industry. All of those are directly adjacent to the coast and therefore would be affected by any land based pollutants that would be allowed to go into the sea.

I make one last point. I raise the question of whether in fact it is intended that this legislation provide for the control of farming activities near the coast. One could easily envisage a situation where, under the Marine Pollution Act, farmers within three to five kilometres of the coast could be prevented from aerial spraying or even land based spraying of their crops, or even the application of superphosphate where there could be leaching of the phosphates into the sea. I would like to think I am talking about absolute extremes, but one could understand that, in the case of a market garden adjacent to the sea, where some highly volatile chemicals were being used, some concerns could arise from time to time in the use or misuse of those chemicals where they were not properly controlled and could pollute a waterway, either directly into the sea or into a coastal stream which would flow into the sea.

They are all possibilities that could crop up. They are all issues that should be looked at now, but I believe that the object of the Government in introducing this legislation is

desirable, in that it is looking at having some legislative control to make sure that excessive abuses of pollutants are stamped out and that the Government has some control in doing so. I am conscious of some of the amendments that have been foreshadowed and, whilst I am not in a position to comment on those amendments, I think there is room for strengthening some aspects of the legislation. Some changes would have to be made before we could pursue them any further. At this point, to get into Committee, I support the second reading.

Mrs HUTCHISON (Stuart): I rise to support this Bill and I do so with a great deal of pleasure, because of its importance. As the member for a country electorate situated on Spencer Gulf, I feel that this legislation is a recognition of the importance of parties, industries and other enterprises and individuals working together to prevent, as far as possible, any further pollution of our marine environment, and a genuine attempt to clean up previous pollution. I have actually spoken to people in my electorate who are involved in major industries there and they have indicated their willingness to work together with the Government in implementing this legislation. They can see the great benefits which can accrue from doing so and, believe me, it is not an easy task to clean up the effects of numerous years of both minor and major pollution. I sincerely applaud the Government's initiative in recognising this problem and in placing this legislation before the House.

The legislation deserves the support of all members of the House. Indeed, in the interests of the protection of our vitally important marine environments, we would be derelict in our duty if we did not support it. Unlike the member for Hayward, I would like to speak on the practicalities of the Bill, that is, its impact in practical terms in its aim to clean up pollution and set clear guidelines for industries (particularly industries in my area), departments, small businesses and individuals on what is required to protect and to retain our marine environment for future generations.

An honourable member interjecting:

Mrs HUTCHISON: Exactly. It is based, as the member for Coles indicated, on the principle that the polluter pays. The member for Hayward, in seeking a definition of pollution for the purposes of this Bill, mentioned the ETSA power station at Pt Augusta as an entity guilty of pollution through heat—at least, that was my interpretation of his comments. In point of fact, the excess heat generated from the power house at Port Augusta is to be used to promote an aquiculture-horticulture project, which can have a great impact on the area involved. I do not see that as polluting in any way. It will be environmentally sensitive, and the use of the heated water as a controlled growing environment is something which we should applaud.

I should also like to endorse some of the comments made by the member for Eyre, which I thought were extremely good and practical in application, with regard to some aspects of pollution which we have inherited and about which we can do nothing. It is there, but the fact that this legislation aims to clean it up is something that we should applaud. It is nonsensical to say that we must stop the businesses from operating. They have operated under the guidelines as they were at the time when they were starting up, and they cannot be told that now they have to stop these businesses. The Government's Bill, with its commonsense approach to work with industries to correct these practices which cause pollution, is deserving of credit. In this instance I am extremely happy to support the Bill.

Mr LEWIS (Murray-Mallee): I suppose that none of this kind of legislation would ever have been necessary if it were not for the fact that modern man (homo sapiens) chose to educate the children which make up the next generation, for it was through that process that general levels of public health and, therefore, life expectancy increased dramatically earlier this century and have continued to increase since that time at exponential rates to the point where, as a species, we now represent a greater threat to the biosphere of which we are a part than any other species at any point in the history of life on this planet. It is our obligation, if we wish to survive, to ensure the survival of the fabric of life about us. It is by this type of measure and the type of measure we were debating in this Chamber just 24 hours ago, allied with this measure, which enables us to address that general problem within the confines of South Australia.

I have heard honourable members in the course of their contributions refer in a reactionary way to the circumstance as it now appears in South Australia, that is, on this piece of dry land as part of this continent on this planet Earth in the solar system, part of the galaxy of which there are so many others as to be impossible even to attempt to describe to the rest of the Chamber. But here we are; we are concerned; we believe that what we do by enacting this kind of law will ensure our continued survival and, more importantly, a more kindly judgment of the way in which we view our responsibilities from those who have gone before us.

It is not appropriate for us, however, to take the moral high ground and simply say that those who have gone before us a decade, a quarter of a century, or even a century or more ago have been less than responsible for, had they not done what they did in their time to produce the kind of society we now enjoy and the benefits we have derived from it in the form of education, in the form through that of scientific research into ourselves, our surroundings and our interactions with them, we would not have been able to come to the conclusion we now do about our presence and about what it represents as part of that total fabric of life.

We would not yet be able to countenance in political discussion, for example, subjects other than the prevention of endemic disease and the epidemics that run from it. Less than a century ago we had substantial proportions of the population of children dying from epidemics of diseases like diphtheria. These days they are simply not even cause for concern to most people—parents and children alike. So few cases of these diseases are reported that one can count them on the fingers of one hand on a whole continent on an annual basis, yet less than 100 years ago they wiped out a huge proportion of the population whenever they struck.

It is the educational process that enabled us to eliminate the devastating, unpleasant and unhappy consequences of that kind of problem that enables us now to address a consequent problem arising because we are here in greater numbers, enjoying the conveniences of the technology that our education has developed to run alongside our lifestyle. We did not then have, before the turn of the century and less than 100 years ago, almost complete and extensive deep drainage as we now have. We did not have the diversity of consumer products made available to us to make our lives more interesting and more of a fulfilling experience. We did not have the measures of disease control that have made the experience of life possible as we live it today. So, we have reached this point and it is now appropriate for us to examine not only why we arrive here and why we have the problems we are addressing but also what we should do to ensure that future generations judge us kindly as people who were reasonable enought to address those problems.

Given that that is the case, it is not appropriate for us to condemn those who were in this place a decade or a quarter century ago for doing nothing. They did not know that there was a problem and, if they did, too few of them understood it or its magnitude and at the time they were more concerned with problems that caused anxiety and hurt, pain, discomfort and, if you like, dislocation of individual and social welfare than the problems we are now addressing.

Now is the time to do it and do it properly. To that extent there is unanimous support from both sides of the Chamber for the approach that we are taking. I hear that implicitly in every speech. However, as always, it is the differences between us upon which attention needs to be focused to define the direction we should take where those differences emerge. Is it one way or the other? Members on this side have put forward an argument in support of the Bill in general, but have also drawn attention to what we see, member by member, as the inadequacies on one point or another, which contributes to the better understanding of the impact the Bill could have as opposed to what it will have unless it is amended.

I do not say that members on the other side should have found fault with the legislation. I merely say that I wish that in the process of the parliamentary debate more of the contribution were made by members from both sides of the House to the development of an understanding in the broader public arena of the question about the desirability of the law that we are making and the kind of law that it will be. Tonight, as on so many other occasions and in respect of so many other measures, we have heard only laudatory remarks about the substance of the Bill, yet clearly there are inadequacies in the Bill.

I am sure that no member opposite would deny that at an individual or human level, in the way in which they have had it explained to them, the legislation is either functionally deficient on what it might be or otherwise inappropriate, as opposed to what it could be and should be. I do not ask, nor do I expect, that there would be by Government members condemnation of Government policy. However, I think it is appropriate that individual members opposite, who represent the total community in the electorates that they are said to represent by the Constitution, and through that knowledge at a local level and through that understanding from that knowledge, should make a contribution about where they see some greater benefit perhaps being obtained by the enactment of such legislation.

Having spelled out the background to that, and trusting that in the process I enable members opposite, including the Minister, to come to a better understanding of the sincerity with which members on this side of the Chamber have made their contributions—they are not being mischievous—I hope that the Minister and Government members will take note of what is said.

My specific comments in respect of the Bill are of the same kind, in the first instance, as I made last night. Why is it that we find two pieces of legislation within 24 hours of each other in this place having the same terminology and general thrust in the kind of concern that the legislation seeks to address in each case, yet each Bill contains different definitions in respect of those terms? This is especially puzzling given that the Minister for both Bills is one and the same person.

I find it incredible that the Minister can accept such a situation passing into law. Why do we need differing opinions—not opposites—as to the meaning of the word 'lake', say, or 'watercourse' in the two pieces of legislation? Why is it that they are not as complementary to each other as they could and should be? In my judgment they could have been combined and it has wasted the time of this place that the Minister did not have the wit to combine them. That is a pity. It is not a statement that I make in condemnation of the Minister, but it is a statement I make as an honest observation of an inadequacy in the way in which the Minister functions in delivering through her portfolios to this place and the people of South Australia the kind of things which all reasonable people would see as responsible government.

We do not see if such differences arise, where they could otherwise have been avoided, what I consider to be responsible government, being delivered to us. So, without wanting to delay the House—knowing that by doing so I am not enhancing either the public's understanding of the effect of the measure or the likelihood of the Minister's accepting amendments—I will simply satisfy myself in the next 90 seconds to draw attention to what I believe to be desirable aspects of my colleagues' remarks as they relate to the fashion in which measures should be taken in detailed consideration by a consultative group of the society at large.

I am referring to what my colleague the member for Heysen said about the desirability of having an appropriate committee. The Minister has taken what I consider to be an indefensible position in defence of her refusal to accept that amendment. If she thinks about it, she will remember what was said by senior people in the body in which she proposes to place some faith. The Chairman of that body who resigned just before the last State election was announced simply pointed out to the public that the body was ineffectual, and that it was ineffectual because the Government did two things: it refused to accept well reasoned and well researched advice; and, it constantly interfered.

I will not go into it in any more detail than that. I will allow the Minister to reflect on what happened and trust that she will come to a better understanding of how best to proceed not only in desisting from that kind of practice but also in accepting that, whereas in other legislation of this type we have a consultative committee which provides advice to the Minister and which is broadly based in its membership in groups within the community that show a public concern, interest and professional competence in the subject in hand, benefits could flow from such an organisation as is proposed by the member for Heysen in this legislation.

It would pain me enormously if the Minister used this legislation in any way whatsoever to go on a witch-hunt for particular classes of people of the kind the member for Flinders drew attention to in his remarks. The polluters are human beings, not all of them of the kind the Minister would have us believe, and very often they pollute in all innocence. Some of the kinds of pollution that are alleged to occur as a consequence of human activity of one kind or another, particularly in regard to agriculture, are in fact not occurring at all.

The Minister would do well to look at what the Government does and, notwithstanding the fact that this Act binds the Crown, take responsible steps in her own backyard first and remove the sources of pollution from it. I am referring to things like the pumping of effluent—sullage and sewage—into the Murray River by the Minister's department without regard for the consequences not only for the environment of the river but also for those who depend on the water that is polluted. That, to my mind, is terribly unfortunate.

I hope that we do not have to put up, for very much longer, with the discharge of sewage and sullage effluent into the river from places like Waikerie and Murray Bridge, because that is wrong. The Minister knows it is wrong. All members here know it is wrong. We know better and we

can do better. If we do not, we will deserve the plague that our own irresponsibility visits on us.

Certainly, the Minister has the responsibility, and the Government of the day has a responsibility, by virtue of the way in which members opposite have accepted that responsibility by forming themselves into a Government, to rectify that situation, and it would not cost very much to do so. I hope that the Minister takes account of the remarks I am making and recognises that, while her Party claims the moral high ground in environmental matters, in the main she and other Ministers simply ignore and allow to continue what I see to be practices that are really the practices of environmental vandals. They should be stopped. It is not appropriate for that to continue without a timetable being put as to when it will be stopped by this or any subsequent Government.

As it presently stands, this Minister wants to let the situation run on and on. My colleague the member for Heysen has defined what we all consider to be very reasonable time frames within which such things must stop. It is not good enough for other members of the Government to support the Government's position of indifference to those problems. The problems are serious. We will not be judged kindly by our children when they assume responsibilities for the same administrative and legislative roles that we now have once we have either/or retired and died. We are here but for a short time. Now that we know what we have done and what we are capable of undoing, we should get on with that business. I thank the House for its attention.

Mr S.G. EVANS: Mr Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr OSWALD (Morphett): It is not my intention to canvass all areas that the member for Heysen covered, but I will place a few points on the record. In her presentation the Minister led us to believe that she felt that this legislation is strong. I do not think it is; I do not think it goes far enough. I have some real concerns that I would like the Minister to address and reply to in Committee. Some of my main areas of concern surround the amount of discretion that still sits with the Minister. I am not too sure (and it is up to the Minister to respond) that the amount of discretion that the Minister has is desirable. I would like to see clear cut lines of direction in the legislation.

The Bill does not actually define 'pollution'. It is all very well to say that we will cut down pollution, but in legislation of this sort 'pollution' must be defined, otherwise no-one will know the ground rules. There is also the uncertainty about whether the E&WS Department is bound under the legislation. That matter is fairly important.

The Hon. S.M. Lenehan: If you read the Bill you will find that it is there.

Mr OSWALD: My briefing notes from the shadow Minister say that it is not there. The Minister can explain that to us in Committee. Pollutants should be defined in this Act as solid, liquid or gaseous waste which changes the chemical biological conditions of water and should also include any refuse, litter, debris or other matter. Unless that is defined in the legislation, the problems experienced in my electorate will remain. I remind members of the conditions we have to put up with in Glenelg because the E&WS Department and other local government authorities have done nothing historically to clean up that area.

Effluent from something like nine or 10 council areas is pouring into the Patawalonga and effluent works at Heathfield and Hawthorndene are spilling raw effluent into the Sturt Creek, and that is going into the Patawalonga. On some mornings oil comes down the Sturt Creek and into the Patawalonga. We have reported these matters to the E&WS and the Department of Environment and Planning for years, but the Government has done nothing about it. I hope that the Minister can provide some assurance that this legislation will overcome that problem and that the Crown will have some responsibility to clean that up.

The Hon. S.M. Lenehan: It is binding on the Crown.

Mr OSWALD: I sincerely hope it is. I hope the Crown will take it on board. It is all very well to encapsulate it in the legislation, but let me take this opportunity to remind the Government and the Crown that for years they have had a responsibility to stop this pollution pouring down into the Patawalonga, but they have done nothing about it. I applaud the Government if it is going to clean it up, but let me not miss this opportunity to say that the Government has done nothing for years and, if the Government is to clean it up, that is fine, but I would like to see it happen.

The pollutants in the waterway, the heavy metals that flow out onto the beach and the oil pollution have killed the seagrasses over the years. Three years ago I made a speech in this place saying that the seagrasses were dying and the Minister pooh-poohed it and did not want to know about it. It has been interesting over the past year or 18 months that the Minister has got around to admitting that the seagrasses along metropolitan Adelaide have been dying off, and at last this legislation has been introduced. I hope that the legislation proves to be strong enough—I have my doubts, but time will tell.

Twice a week when the Patawalonga is being flushed a black slick goes out to sea for about one kilometre and up the coast for about two kilometres. It kills off the seagrasses. There is no doubt that the pollution by heavy metals, raw sewage and the floating refuse has to be stopped. Floating debris such as the plastics, the cartons and the like all end up on the beach. For years we have appealled for some trash rack system to be installed, or for the introduction of legislation that imposes some sort of levy on the six or seven council areas that feed into the Patawalonga so that either trash racks can be installed or some responsibility can be placed on local government stop the pollution coming down. If this legislation places a responsibility on the polluting authorities further up the creek, that is excellent. Time will tell but, when the Bill passes in its final form, I suppose that we will have some knowledge of whether or not this will happen. We have waited for years for the problem to be addressed, but it has not been. I trust that this legislation provides us with that hope. I support the Bill.

Mr BECKER (Hanson): I perceive this legislation as a Committee Bill. We now approach the third decade of talking about doing something about the condition of our marine waters. I am absolutely amazed to think that the previous legislation was nothing but a publicity stunt in the run up to the 1989 State election. It was to appease the minority groups to some degree, but it was purely a cynical exercise in cheap political grandstanding. If the Government was dinkum and the Minister was genuine, that legislation would have been followed through until it was passed by both Houses. If it was necessary to undertake a conference process to resolve any differences, then that would have been done, but it was not achieved and, therefore, I became quite concerned as to whether or not the Government was genuine at that time.

The Government cannot now claim that it has a mandate to do all sorts of things, because we have to remind the Government that it received only 48 per cent of the vote—

the Opposition achieved 52 per cent, so the points of view that are expressed by the Opposition should be considered very carefully by the Minister and her Government. For over two decades some of my colleagues and I have complained about the lack of Government activity concerning marine pollution. I asked a question on 4 August 1971 regarding Glenelg effluent:

Has the Minister of Works obtained a report about the killing of marine growth at Glenelg North near the sewage treatment works? Earlier this year the Minister met a constituent of mine on the beach near the sewage treatment works, where it was claimed that effluent from the works was killing the marine growth. As the Minister promised to investigate the matter, has he obtained a report?

Des Corcoran said 'Yes'. I then had to ask a further question:

Can the Minister say what were the findings contained in that report and will he table it?

Des Corcoran replied as follows:

The findings are for my use and I will not table it.

I then had to ask a third question:

Does the Minister of Works intend to make a ministerial statement on the report obtained regarding my constituent's claim that marine growth has been affected by effluent discharged at the Glenelg treatment works? This afternoon, the Minister in reply to a question that I had asked previously on the matter, said that such a report was for the Minister's personal information. I find this extremely difficult to understand, for the Minister promised he would obtain a report on the matter.

The Hon. Des Corcoran replied 'No'. Then I had to ask more questions. On 17 August 1971 I asked a question on notice about beach pollution:

What are the findings contained in the report concerning the effect of effluent from the Glenelg treatment works on marine growth at West Beach and Glenelg North beach?

The Hon. J.D. Corcoran replied as follows:

Aerial photographs have shown that the seagrass and posidonia beds approximately follow the coastline along the eastern side of the St Vincent Gulf from the head of the gulf to just north of Christies Beach. In the vicinity of the Glenelg treatment works outfall the boundary makes a marked westerly sweep so that in the immediate vicinity of the outfall there is an absence of posidonia, the seabed consisting essentially of sand. Such westerly movements of the boundary are commonly found around the estuaries of all creeks and rivers and may be due to the inability of the posidonia to live in the reduced salinity where the sea water has been diluted by fresh water. The westward movement of the posidonia bed boundary in the vicinity of Glenelg commences at the Patawalonga outflow and extends northwards past the treatment works outfall. . .

What it meant was that there was a loss of seagrass in that area, but the Minister would not admit to any pollutant or any claim that anything had happened to cause the disappearance of the seagrasses. During further questioning in that year, I asked about the Patawalonga basin:

During the past weeks seasonal rains have brought a greater flow than ever of water down the Sturt Creek to the Patawalonga basin. On Saturday morning one of my constituents and his seven-year-old daughter, while exercising along the foreshore of the lake, found amongst the debris of broken tree branches, boxes and sundry household refuse two dead dogs and a dead cat. From the condition of the animals, they appeared to have been dead for about two days. This is not the first time household pets have been disposed of in the lake, and dead rats and poultry are often seen floating in it. A popular water sport playground, the lake is used most weekday mornings for children from the local sailing club learning to sail.

Then of course there is water skiing as well. My question continues:

To control pollution of the Patawalonga and to prevent what could be a serious hazard, will the Minister of Works consider installing heavy-guage wire at, say, the bridge on Tapleys Hill Road to catch such debris?

Des Corcoran again said that he did not know whether the suggestion was practicable, but he would have a look at it. However, he really did not do much about it.

From 1971 until recently I have continuously raised the issue of the condition of the water in the Patawalonga Basin, in the Sturt River, in the Patawalonga itself and along the whole of the coastline which forms the western boundary of my electorate. Over the years the various Ministers representing the E&WS Department refused to accept that any discharge from the Glenelg sewage treatment works, from the Torrens River or the Patawalonga was causing any harm to the environment. There is this huge drain around the Adelaide Airport, as well as Brownhill Creek and Sturt Creek that flow into the area, and one only has to go down there now to see the algae that has built up in the Patawalonga Basin.

Years ago the Glenelg council acquired an old police rescue boat and used to take it around the Patawalonga Basin, spreading copper sulphate to kill the algae to try to clean up the Sturt Creek. The West Beach Trust is too lazy and miserable to spend any money at all, so the water in that area at this time of the year becomes quite foul. Flushing of the Patawalonga at high tide brings all the algae down onto the beach. In 1958-60 I used to swim at the beach near the Glenelg North sewage treatment works and one would wade out in thick seaweed and swim in that area in lovely clean water.

Most of my neighbours who live in that area do not swim at the beach at all now, following a series of ear, nose and throat infections because we have had this stupid, idiotic Government flushing the Patawalonga for the last few months, every day and every night and on a beautiful warm day one can go down to the beach and see this big brown murky blob hanging around one of our prime beaches in South Australia—a beach on which the Government has spent over $2 million trying to restore and protect the foreshore and prevent further sand erosion. Sand is lost because we have no seagrass there to hold that sand drift, so the sand is drifting right out to sea and going over the huge precifice out in the gulf. It is all through the incompetence of the Government, the E&WS Department and the Marine and Harbors Department, going back over 20 years, because they failed to accept that there was any problem.

For years, a cousin of mine, Chris Illert, at West Beach complained of the cancerous mutants in the water at West Beach. He had undertaken all sorts of exercises to prove to the marine scientists that there were cancer-producing pollutants in the water. He partly blamed the sewage treatment works because, even though the main sludge pipe is three to four kilometres out to sea, it still comes back onto the shore. Part of the water problems from Marineland has involved the pollutants coming out of the sludge pipe from the Glenelg sewage treatment works.

The Government is going to do something about the pipeline, the sludge, and so forth; it is going to establish a dewatering unit on shore. That is all right but I promise the Minister and her colleagues that for every shovelful of ash that I get on my house she is going to get in her front garden. I will take it in a wheelbarrow and dump it in her front yard—I know where she lives—unless she puts a roof over the whole operations, with exhaust fans, etc., and seals it all up. The Minister, or her adviser (more like it), is not aware that where the Glenelg sewage treatment works is located, with the air traffic movement we get a lot of wind swirls there. On a dead calm day one can be out in the yard putting the washing on the line, a jet goes over and the rotary clothesline spins around like crazy. Imagine what that does to a 3 to 4 metres high heap of dewatered sewage. That is the proposal to be established at the North Glenelg

treatment works. It is in the report dealing with the Zhen Yun hotel proposal for West Beach.

So the wind swirls will spread a lot of this material around and, as one of my neighbours said, 'We will never have to fertilise our lawns again. Just hope it rains.' Let us get rid of the pollutants; I go along with that and support it. Let us clean up the Patawalonga, but for years I have been asking for this. Corcoran eventually put a trash rack in the Sturt Creek and it worked but, because Des Corcoran did not ask the West Torrens council, and particularly the late Joe Wells, who was probably the most corrupt councillor in South Australia—it was never proven—he complained that the trash rack was holding back all the rubbish in Sturt Creek and was creating a pollution smell on its own; so the trash rack was pulled out and once again all the rubbish came dumping down into the Patawalonga.

The only way to solve the problems of the Patawalonga is to dredge it. The department is scared stiff about what it will find at the bottom of the Patawalonga. There will probably be a few 'Becker for Hanson' signs there, a few of Ferguson's signs and others; there may be the odd car body in there, I don't know; but it should be dredged out, because all that natural silt that has built up should have been going out to sea and coming back eventually as sand for our beaches. It is the same with the Torrens River; it is estimated that in the Torrens River from Lockleys where the last weir has been established, across to the Outbreak Creek, it has built up to about two or three metres. A considerable amount, many thousands of tonnes, of beautiful river soil is located in the Torrens River which should have gone out to sea and which would have helped to replenish our beaches. So that is part of the problem.

The member for Morphett has drawn attention to the various pollutants that come down the Sturt Creek and now end up in his district, at the lower reaches of the Patawalonga. I received a phone call from a constituent one morning saying that there were a lot of dead fish in the Patawalonga. We took some of these fish to the Government laboratories for analysis, and the fish had died probably from the effects of dieldrin that was used by one of the councils along the Sturt Creek. They had sprayed all the trees and particularly the weeds and they had done a lot of cleaning up; it rained the next day, and the spray, of course, had come off this vegetation into the Patawalonga and gone through the Sturt Creek system.

As much as we try to put the responsibility on industry to try to stop polluting, the first thing we ought to do is stop them from discharging any type of water into our metropolitan creek or river systems. None of them has ever come up with a proper drainage system, so at the outset we should not give them a licence: we should say, 'That's it.' We then give them a couple of years and tell them that nothing should be washed off their property at all, because there are service stations, a hospital, doctors' surgeries and a whole lot of professional places abutting the Sturt Creek, Brownhill Creek and the airport drains. On one occasion we found a lot of hyperdermic syringes, and it was suggested that the 'druggies' were throwing these things away, and they floated down the system, but nobody ever questioned whether they came from a hospital, a doctor's or a vet's surgery. Nobody knew whether the local veterinarian was dumping the bodies in the Patawalonga or Sturt Creek. It could happen.

So I wish the Minister all the luck in the world in trying to solve this problem, but we have to be tough about it. We have to say, 'You don't put your sump oil into the Patawalonga or into the drain that runs down to the Patawalonga. You can no longer let this wash off into the metropolitan creek system,' because so many chemical poisons are being used by councils in sterilising weeds. I remember 30 years ago how proud the Marion council was in sterilising all the ground around the railway line. That year five children were born in our street and four of them had disabilities. We all believe that it was the spray and poison used by the Marion council. We cannot sue because we cannot prove it, but four families have disabled children because of it. It is high time we acted. It is no good talking about it. We will give the Minister the legislation and tidy it up, but I expect her to ban all these pollutants and chemical sprays and to stop people from using the metropolitan creeks and drains as a sewerage system.

Mr S.G. EVANS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr MEIER (Goyder): This Bill is certainly to be welcomed, and I am pleased that the member for Heysen will move amendments that will strengthen it so that it will in theory become an effective mechanism. It is an indictment on this Labor Government that the Bill is nigh on 20 years overdue. We have heard about that from several speakers on this side of the House who have given some evidence to indicate that there has been so much information available for so long to enable us to say to the Government, 'Do something.' Let us remember that this Government has been in power for more than 20 of the past 25 years, so it cannot sheet the blame home to anyone else but itself.

In the first instance, I would like to refer to an article entitled, 'Coast dying', which appeared back in 1976, and referred to the area where the Bolivar treatment works emptied out into the St Vincent Gulf. The article used a series of three photographs—one taken in 1959, one in 1968 and one in 1975—which clearly showed how the seagrass and mangroves had undergone a tremendous negative transformation. In fact, they had virtually disappeared.

Mr S.G. EVANS: Mr Speaker, I again draw your attentiion to the state of the House.

A quorum having been formed:

Mr MEIER: In fact, large areas of seagrass and mangroves had disappeared. The warning was clearly there back in 1976 that the situation had to be addressed and it had started to show itself soon after the Bolivar treatment works commenced operation in 1967. Articles continued to appear and one published in the early 1980s, headed 'Ecology devastation of St Kilda', was similar to the earlier one I have mentioned. Many square miles of seagrass and mangroves had disappeared. In fact, at that time the professional fishermen in the area made an interesting statement, and I quote from a report in the *Advertiser* on 13 July 1981 headed 'Detergent fish taste':

> Port Adelaide professional fishermen have been concerned for some time about the effluent discharge from Bolivar.
>
> A spokesman for the fishermen said fish caught in the area tasted like detergent. Fish buyers were rejecting the fish and because of this fishermen would not say much on the matter publicly.

It has been interesting for me in the past few weeks to meet with quite a few fishermen in my new area of responsibility. In all cases they have indicated that there are several areas now along our coastline that are just devoid of fish. They do not even bother to go there—they are not sporting areas or catching areas. The Bolivar area has been one of the classic areas in that respect. The fishermen have recognised it for a long time.

What really upset me about two or three years ago, when I highlighted these problems to the then Minister for Environment and Planning and the then Minister of Fisheries,

was that I indicated how the seagrass and mangrove swamps had undergone massive transformations and how the fish had either disappeared or were severely effected by pollution, but both answers I received at the time rejected my claims and indicated that I did not know what I was talking about. These were Ministers in the Bannon Government about two to three years ago. They did not want to know what I was talking about. The member for Hansen has also indicated that they did not want to know about the things he was saying either.

This legislation is long overdue, and it is certainly an indictment on the Labor Government for coming to the party only after the green vote in Tasmania suddenly showed itself as a real force. It is all very well to stop the pollution of the gulf in the Bolivar area, but there is another thing: what about using the water? I will look back in time again to the early 1970s when there was a call for that water to be used by market gardeners. In fact, quite a few newspaper articles indicated that the water would be good. An article headed 'Great crop from waste', appearing in the *Advertiser* on 2 August 1973, states:

> Mr G. Lieben has been growing vegetables with treated effluent water for two years at Waterloo Corner—and says he could not be happier. He says his tomato yield has increased by about 18 per cent, and he has saved $400 in fertilisers. 'I, my wife and four children have been eating the tomatoes all the time and we haven't been ill,' Mr Lieben said yesterday. He was full of praise for the effects the treated effluent from the Bolivar Treatment Works has had on his vegetable crops.

Further the article continues:

> He set up his own pipeline and pump at a cost of about $1 000. This taps an open concrete drain that carries the treated effluent to the sea.

There are other examples of how the water can be used for vegetables. In fact, one of the press articles I came across at about that time showed a gentleman drinking the water, and I have spoken with him on many occasions. He was quite happy with it, and several other market gardeners wanted the water. Whilst there has been some very limited use of the water, the plan was vetoed by the then Labor Government. An article headed 'Government veto for effluent plan', dated 27 July 1976, states:

> The Government has rejected a $20 million scheme to use Bolivar sewage treatment works effluent to irrigate market gardens in the Northern Adelaide Plains.

The article later states:

> The Minister [Hon. Des Corcoran] said the annual water extraction by irrigation bores from the underground water basin below the Northern Adelaide Plains was 21 000 megalitres, approximately three times the annual intake.

In other words, back in 1976 the Minister recognised that far too much water was being taken out and recognised that the Government should have provided the water from Bolivar to supplement it, yet he did nothing about it.

Mr Ferguson: What did the Tonkin Government do about it?

Mr MEIER: We always get Government members bringing up those three years out of the 24 during which Labor has been in power, and they say that that Government wanted to revolutionise the State. The Tonkin Government virtually did revolutionise the State: look at the buildings around here; look at the ASER project. Where did that come from? The Tonkin Government. Where did the Grand Prix concept come from? Once again, the Tonkin Government.

The SPEAKER: Order! The honourable member will relate his remarks to the Bill.

Mr S.G. EVANS: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr MEIER: Mr Speaker, I will endeavour to keep my remarks to the Bill, and thank you for your protection in not allowing interjections from the Government side. It is quite clear that this legislation is long overdue. Although we will have it shortly, I wonder how effective it will be. We have some other problems in the Gulf St Vincent. A little further up we have the Port Wakefield Proof and Experimental Range. Most members would be aware that shells are fired on that range on a reasonably regular basis, and it has extended its area over the past few years as far south as Port Parham and Webb Beach, an excellent crabbing and fishing area. If that is not an example of pollution that cannot be removed, I should like to know what is.

As members would know, I asked a question in this House a few weeks ago as to what will happen in this area, and the Minister of Fisheries was unable to give me an answer. We know that this State Government did not take any action when the boundaries of the range were extended, so we have a real problem there. The area that has been used by the range for some 30 or 40 years now has been declared out of bounds for all time, since it is not known how many unexploded shells it might contain. Some five years or so ago, I was told that no-one would ever be allowed on that range without permission. Since that time the range has been allowed to extend into a good crabbing area: how long will it be before it is said that there are unexploded shells there and that area, too, is out of bounds for good?

While I would be the first to say that we need to test high explosives and we must recognise the need to defend this country, I also say that commonsense must prevail and, if an excellent commercial as well as recreational fishing area is being interfered with, the Government should have acted. However, this Government is very slow to act and this Bill is a classic case of that. Other examples of water pollution have been highlighted by members, particularly on this side.

It was interesting to note that back in 1974 the then Governor of South Australia (Sir Mark Oliphant) had a very heavy swipe at the Torrens River. He stated at that time that the Torrens River contained unspeakable rubbish. In fact, he told the 47th Annual Conference of the Australian Institute of Parks and Recreation in Adelaide that the Torrens was a sewer as murky as Melbourne's Yarra River and as polluted as Germany's Rhine. There would have been some improvement since that time, but if we remember when the Torrens was emptied, I think last year, the newspapers went to town and indicated how much rubbish it contained. The Government, again, has been very slow in acting. It will be interesting to see whether the Government is serious about this legislation, which has been reintroduced some few days prior to the Federal election.

Another item that caught my eye from 1975 was an article entitled 'Views on Lake Bonney Sought'. Members would be well aware that Lake Bonney in the South-East has been in the news again in the past few months, but back in 1975 the then Minister of Works (Hon. Des Corcoran) was quoted as follows:

> Mr Corcoran said that over the study period the quality of lake water had not deteriorated. The studies had shown the lake was capable of assimilating the wastes from the paper mills at the present level of discharge.

So, the Labor Government was quite prepared to let things go as they were, and year after year we saw it happen, with the Government taking no action. Now, of course, we are having to face this, and it is a great shame that the Government was not replaced many years ago so that this State could have been cleaned up then rather than waiting for the 1990s.

The last topic I wish to raise is a current one, namely, the problems now being faced with respect to the disposal of offal. The Government is probably not aware of the problem that is occurring, but in only the past couple of weeks the Master Butchers Association has indicated that it will not take offal from one of the main collectors in this State. One of the chief collectors of offal, Mr Doug Toole, has contacted me on several occasions to indicate that as of Friday of this week many butchers and meat producers will be left without a suitable means of disposing of their offal.

The Minister probably knows what that means: it means that they will have to bury it. The effect of that in some areas could well be pollution of the watercourses. We must sheet some of the blame back to the Government, since Samcor, I believe, has provision for processing some of this offal and has done so, yet it has refused to take the extra amount of offal that the Master Butchers Association can no longer process.

This occurs at a time when I believe there has been a serious to do with respect to staff decreases in Samcor's operations. The Government must surely recognise that, if it is serious about this legislation, some cost will be involved. In this case, it means that the Government should at least look at how to get rid of the offal that otherwise almost certainly will have to be disposed of by being buried.

I recognise that there are other problems in this, namely, that the Department of Environment and Planning has apprently brought in new restrictions and controls which dictate that offal must be fresh before it can be processed. That is all very well, but will the Government allow pollution in the Hills and country areas of the water-table and water resources, or will it act and help many of these butchers and meat producers in respect of this problem? I realise that it is perhaps slightly out of this Minister's—

The Hon. S.M. Lenehan interjecting:

Mr MEIER: No, not from the point of view of environment and planning, but it comes very much under the Minister of Agriculture and the Minister of Health. Some of the towns that will be affected as of Friday of this week or Monday of next include most of the Yorke Peninsula towns, namely, Maitland, Stansbury, Yorketown, Edithburgh, Minlaton, Port Vincent, Ardrossan, Kadina and Paskeville, as well as Snowtown, Blyth, Clare, Eudunda, Kapunda, Mount Pleasant and Willunga.

I believe to some extent it could also affect Lobethal and Hahndorf, so it can be seen that some of them are important catchment areas. There is a lot in this Bill that will help in reducing pollution of the marine environment. I hope that the Minister takes into account many of the obvious factors—I am sure she will—but also that she takes into account the non-obvious ones that I have highlighted during this debate. I look forward to seeing just how well this legislation works, and I believe that the member for Heysen's amendments go a long way—virtually the whole way—towards strengthening this to make it a very realistic Bill. It is a great shame that we have had to wait some 20 years for this legislation when the Government has been in power for nearly all of that time.

Mr S.G. EVANS (Davenport): I will try to be brief, to please the Minister on at least one aspect. In talking about another Bill in relation to water pollution there were a number of other points that I did not refer to and I wish to refer to them briefly now. When the member for Hanson mentioned the weir on the Torrens holding back silt (which he called sand) that had washed in, he made the point that that would help replenish the sand supplies in the ocean, if it was allowed to enter the ocean. He suggested—and I believe he was correct—that, before white man came and built weirs and dams, that was occurring even though it was not all sand. However, there is another aspect to that which is the point I wish to make.

The reason that we have lost a lot of soil from our land, particularly in the hilly country, is because of agriculture. I have been part of that process. I remember in particular when the Second World War finished, Labor Governments and then Conservative Governments said that we must produce to feed the millions of the world and that Australia must populate or perish. They were two of the slogans used by both major political Parties. That was a clear indication for society and Australia took as many migrants as it was possible to accommodate in our society—and probably a much greater number than what we take now in proportion to our total population. I make no comment on that—it was an attitude of the time.

That silt or top soil from the Hills and sometimes the plains has been eroded not only through agriculture or cultivation. It has happened for as long as the hills have been there—not as rapidly every year, but it has happened. It would have happened more rapidly at the time when the traditional people who were here before us burnt down whole forests. If one can visualise a bushfire starting at, say, Brownhill Creek or Warri Parri, around the Happy Valley area, and it was a bad day like the recent Ash Wednesday bushfire days, it would not have stopped until it got to the Victorian border or even further. It would have wiped out everything and, as a result, the erosion would have been much greater.

That is the reason that there are no plants in the hills that are not able to regenerate after a bushfire or after any fire, because all of the plants that could not or would not regenerate disappeared hundreds of years ago, even if the fires were not lit by Aborigines. For example lightning which started in summer storms could take out forests. On the other hand the white man has built dams, reservoirs and weirs. In the Mount Bold reservoir alone, the authorities know that there would be tens of thousands of tonnes of top soil. If the reservoir had not been there, as is the case with all of the other water holding facilities, that material would have been out in the ocean and lost to the hill tops forever. However, we have the opportunity to reclaim it and re-use it if we want to, and at the same time to increase the capacity of the water holding facility.

Imagine how many more millions of kilolitres the Mount Bold reservoir would hold if it was cleaned. It was completed over 50 years ago in 1936. That material could be taken back, even on to departmental land and hill tops, or it could be sold. It would contain all types of debris, as the member for Hanson mentioned: the bones of dead cats, dogs, foxes, kangaroos and, who knows, may be even human beings. Even in the Belair recreation park there is an old railway dam that has only one-third of its capacity because the rest has gone with silt build up.

The point I am making is that all the things that the white man has done in this land are not bad. We have been given the opportunity, if you like, to save some of the material that otherwise would have been washed away. That has happened in most developed countries in the world and the amount that is contained in those holdings is quite large. Just imagine how many millions of tonnes must be washed out through the larger rivers in our country or in any other country if there is no capacity to hold back that silt. So, it is true that, over the centuries, and more so with our cultivation of land, a lot of the topsoil has gone and

has polluted our streams and reservoirs with a major form of pollutant.

I know that is not the main role of this Bill. I know that it is initially aimed at those types of pollutant harmful to the marine environment and to the human beings that may use it, or the marine life that may attempt to exist within it and have traditionally existed within it. I say the same as I said last night. I trust that commonsense is used in putting this Bill into operation because we cannot correct in a few short years the harmful practices and the habits that the different businesses, different local councils, different individuals and different Governments have developed. The Engineering and Water Supply Department in particular, I know, cannot reverse the trend quickly. It is beyond the financial capacity or the other resources we have available.

I hope that we do not just isolate one or two groups of people and make scapegoats of them to make a headline that the department has moved in and kicked someone in the teeth for hundreds of thousands of dollars and put them out of business or made them sell up their home to pay a bill for a practice which has been accepted in society for a long time, and which we make unlawful. I hope that we apply this only in cases of the worst types of pollutant and that we apply pressure initially; and the rest of the approach should be an education process within our schools. Our children are learning about this so it will be easier later on. I know that the Minister will tell me that this is the case but, if I do not record it here, I will not get the opportunity if I am still here later to point out where there has been discrimination, if it does occur.

Unfortunately, if human beings are given power, whether they be politicians, inspectors or departmental officers, there will always be some whose power goes to their head and they will forget about compassion in dealing with other human beings. I will support the Bill at this stage, but that support is conditional on what happens to amendments during the Committee stage.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): The time is now 9 p.m. and we have been debating the second reading since the end of Question Time. I would like—

Mr Oswald interjecting:

The Hon. S.M. LENEHAN: No, I was about to thank members, before I was so rudely interrupted. Certainly, I would like to thank all members who contributed to the second reading debate, and particularly my colleagues the members for Napier and Albert Park and any other colleagues on this side. Also, I would like to acknowledge what I think was a positive contribution from the members for Eyre and Coles. It was particularly pleasing to see members such as the member for Coles recognising the vital importance of national penalties and standards, and attacking the problem at a national level.

I refer the member for Coles to page 3 of 'Strategy for Mitigation of Marine Pollution in South Australia', put out by the E&WS Department in August 1989 where, in the blue summary, is listed the capital works options for future sewage treatment and disposal and the projected costs. The honourable member can refer to that at her leisure.

I do not intend to respond to every point made by all members who contribute to this debate; we would be here for a period similar to the time taken to debate the second reading, and I do not believe that that would be appropriate or productive. However, I want to pick up a couple of points made by the member for Heysen quickly and briefly. In preparing this legislation my departmental officers and I not only considered legislation in other States but also in some cases I discussed with the responsible Minister some of the aspects of that State's legislation and that included the New South Wales Minister.

It has been alleged that the Bill is fragmented and uncoordinated. A few other stronger criticisms were voiced, but I object strongly to that suggestion and I remind the honourable member that this legislation previously passed in this House with bipartisan support. I believe that the legislation still deserves bipartisan support, because protection of the marine environment is of paramount importance to the Government. That is the reason why I introduced not only this Bill but a similar Bill in October last year.

I must put on the public record, particularly in view of the contribution of the member for Stuart, in whose electorate BHAS operates, that it is interesting that members of the Opposition acknowledge that the control measures designed and now being implemented by BHAS are positive responses by that company in recognising its responsibilities to the marine environment. I particularly thank the member for Stuart for her contribution. I know that she has gone to great trouble to speak with the company and with her constituents, and to adopt what is obviously a reasoned and sensible balance in this whole discussion.

The member for Eyre said it all with respect to the contribution of a gentleman referred to by the member for Heysen, and I do not intend to reiterate the member for Eyre's fairly precise and honest comments. I could go on because so many points were raised, but one point needs comment: it seems to me that, notwithstanding all the comments that have been made, including the Opposition amendments that are on file, local government has been overlooked. I am not suggesting that that has been done deliberately.

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: I will make that point a bit later when we get into Committee. This Bill is aimed specifically at alleviating pollution of the marine environment from point source discharges. The huge and wide-ranging debate to which we have been privy since Question Time this afternoon would lead one to think that perhaps members are not quite sure of the actual aim of the Bill. I have made clear from the first time that I introduced this legislation last year that we would be looking at following through with the second piece of legislation which would pick up diffuse source discharges. That point needs to be made. We have never suggested that this Bill will be the magic panacea for everything. I believe that the legislation is historic and important in that it really does address the issues that we have debated in this House today. I will be picking that up.

I have a number of amendments on file and I will be speaking to them in Committee as I am sure the member for Heysen will be speaking to his amendments. It would be more appropriate for me to respond to the various points that have been raised, particularly by Opposition members, in Committee. In the interests of brevity and progressing this debate to the next stage, I conclude my remarks by urging all members to support the Bill through the third reading stage and its passage to the Upper House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. D.C. WOTTON: I move:

Page 1, lines 29 to 31—Leave out the definition of 'prescribed matter' and insert definition as follows:

'pollutant' means:

(a) any waste matter (whether solid, liquid or gaseous) resulting from any industrial, commercial or governmental activity;
(b) any leachate from stored products or wastes;
(c) any storm water containing wastes;
(d) any sewage or effluent (whether treated or untreated);
(e) any dust or particles produced, spilled or windblown in the course of transport, cargo handling or any industrial operation;
(f) any rubbish, debris or abandoned or unwanted materials of any kind;
or
(g) any matter (whether solid, liquid or gaseous) that, if present in waters, will, or can be reasonably expected to, result in some harmful or detrimental effect on:
(i) persons or their property;
(ii) aquatic or benthic flora or fauna (including mangroves);
or
(iii) any beneficial use made of the waters.

I referred earlier to the considerable representation that I have received from a number of organisations and individuals on this legislation. One area referred to repeatedly in that representation related to the need to define in the Bill what a pollutant really is. The wording of the Act as it stands surreptitiously gives the Minister the power to decide what pollution is, what areas are to be exempt from pollution control, what pollution discharges will be accepted, and what discharges are to be allowed to continue, and so on. It is believed that the Bill in its present form, with its terminology relating to prescribed matters is far too wide. 'Pollutant' needs to be definied and so we bring forward this definition.

In defining 'pollutant' we have sought considerable assistance from people in the scientific area, people with knowledge and understanding of what the Bill attempts to achieve. I would be the first to admit that I have not the expertise to determine the appropriateness of the definition that we have selected. Certainly, the advice that I have received suggests that it is totally appropriate, and I ask the Committee to support my amendment.

The Hon. S.M. LENEHAN: I reject the amendment and I will give the Committee my reasons for so doing. We thought long and hard and consulted quite widely in the preparation of this legislation. I believe that the definition in our Bill is a much tougher definition than that contained in the amendment moved by the honourable member, and I will explain why. We have a very wide all-encompassing definition, which will pick up all forms of pollution, but we do have the power to exclude. I think it is important to note that, rather than approaching the definition by saying that we will try to list everything and hope that we actually encompass everything, there will be some exclusions. One of my concerns is that such a definition would result in problems in terms of the administration where, on appeal, the Government is required to show tangible evidence of pollution from a particular discharge.

Under the Bill in its present form all we have to do is prove that somebody has discharged a substance that is contrary to the conditions of their licence. It is much more difficult to prove that a substance that is being discharged is causing pollution, yet it may well be quite widely understood that it is causing pollution. So, for that reason I entreat the honourable member to consider that the broader definition is the stronger definition, because it will enable not only greater flexibility in terms of particular substances that may well be discovered and found to be pollutants (which has happened within the past five years, not to mention the past 10 years) but also the ability to pick up those substances very quickly.

In terms of the honourable member's own amendment, I point out that members of the Opposition who have spoken this evening in the debate have referred to a number of things which they talk about as being pollutants but which may not be covered in a narrow definition of 'pollutant'. Are such things as, for example, shells and ammunition covered in the definition? I would not have thought so. What about things like hot water? The member for Hayward actually talked about hot water from power stations being a pollutant. As I understand it, that is not covered. Such things as hyperdermic needles and offal, not to mention things like living pollutants, are not covered. I do not wish to be critical of the attempt by the honourable member to pinpoint pollution.

The fact that we have not, in a sense, specifically defined what is a pollutant is not an accident. This matter has been carefully thought through by the officers of my department and in consultation with me. If we accepted an amendment like this, I think we would be storing up a large number of problems and issues in the administration of the Act. What if something is discovered, or a particular substance comes to light as being a serious pollutant? If the Parliament is not sitting for, say, three months, we would have to wait to rush back into the Parliament. I do not have to remind members that, in the interpretation of the law, often the courts adopt what is a very strict legal interpretation. Do I have to remind members about marijuana seeds, for example?

It is not a simple matter of saying that we can just keep expanding this list and hope we might pick up everything because, to reiterate the first point I made, by having a broader definition, which really means we only have to prove that any discharge is counter or contrary to the licence, we will ensure the protection of the marine environment. Listening to the contributions of members opposite, I would have thought that is exactly what the Opposition wants to ensure. I put to the Committee that this amendment will restrict the ability of the agencies involved to ensure that we protect the marine environment under the intent of this Bill.

The Hon. D.C. WOTTON: I want to challenge the Minister on a couple of areas. I believe that all the matters to which she referred could come under the definition of 'pollutant' that we are putting forward this evening. She talks about offal, spent shells—

The Hon. S.M. Lenehan: I just raised some examples.

The Hon. D.C. WOTTON: I am just making the point that I believe all those things can, quite adequately, come under that definition. We were talking about the warming of water. Surely that would come under paragraph *(g)* in that definition. The Minister has also talked about the need for greater flexibility. To some extent, I understand that, but can I remind the Minister that it is matters such as the Minister's having greater flexibility that causes considerable concern in the community. Time and time again those people who have contacted me expressing their concern about the legislation have done so in regard to the flexibility and the discretion that the Minister has under this legislation.

This amendment attempts—and I believe accurately—to narrow that down so we know exactly what we are talking about in order that it does not just come back to the Minister's or the department's having to determine what pollutant is. I remind the Minister again that that is a very genuine concern of people who have contacted me and other members of the Opposition in regard to the flexibility of the Minister and the powers that the Minister has generally to determine all those things. She has the power to decide what pollution is, what area is to be exempted from pollution control, and what polluting discharges will be exempt

and discharged into the marine environment. Again, I urge the Minister to reconsider this amendment.

The Hon. S.M. LENEHAN: I believe that we have to look at this matter in two parts. First, let us look at the definition before us and what the legislation will ensure. Secondly, we can talk about the Minister's having greater or lesser powers in another context, because I refer the honourable member to an amendment which I will move shortly when we come to the relevant clause and which talks about giving special powers to the Environmental Protection Council. So, any concerns that people might have that the Minister of the day has too much flexibility in terms of being able to respond very quickly to substances which may well become pollutants but which might not have been in the past, et cetera, I think can be more than adequately addressed by what I will move as clause 5a (1) 'declaring matter to be matter to which this Act does not apply'. So, it is not a matter of the Minister's making some kind of arbitrary decision; the Environmental Protection Council will be an integral body in determining that, also.

As far as I am concerned, having the Environmental Protection Council there at arm's length from the Minister and having this encompassing broad definition of pollution which, as I said, will be much stronger and tougher than the effect of the amendment, should adequately put aside any fears that people might have that the Minister of the day has too much power or discretion. I am quite sure that nobody would be referring to me, given some of the hard decisions I have taken in my short time as Minister for Environment and Planning.

An honourable member interjecting:

The Hon. S.M. LENEHAN: I have, and that is on the record. If we try to delineate every single possible type of pollution, I do not think we will catch everything and it would prove to be very bad legislation at the end of the day. For those reasons, I will not support the amendment and neither will the Government.

The Hon. JENNIFER CASHMORE: I speak in support of the amendment and refute the Minister's arguments in speaking against it. She has come forward with all the classic traditional old arguments in favour of regulation that, really, it is all going to be for the best because the Government, or its statutory authorities, know best and we must not be too specific because unforeseen circumstances could arise and, therefore, we want a catch-all definition which will, indeed, in future catch all.

Against that proposition is the principle, which I would have thought everyone in this Parliament would support, that the law should state clearly what it means, that the purpose of the law should be plainly intelligible to everyone who reads the Act and that its intent should be clearly understood by all those who will be bound by it. Under the present definition in this Bill, that is simply not clear and, in fact, it becomes highly ambiguous when one looks at the qualification in the definition which states:

> 'prescribed matter' means any wastes or other matter whether in solid, liquid or gaseous form—

and then we have this heavy qualification—

> but does not include any matter of a kind declared by the Minister under this section to be matter to which this Act does not apply.

Anyone reading that can leap to the plain and inevitable conclusion that the Minister has very wide powers under this Act, which indeed she does have, and when it is further recognised that the Act binds the Crown it is clear that the Crown has a vested interest in prescribing for its own reasons (which may well be compelling reasons, governed by financial considerations primarily) matter which may not meet with everyone's definition of a pollutant. Therefore it is, in our opinion, imperative that the definition of 'pollutant' is framed in such a way that it is clear to all reading the Act.

The Minister said that we do not want to be too specific because we might otherwise rule out or at least fail to include some pollutant perhaps of which we are not yet aware. The amendment moved by the member for Heysen is general in its nature rather than specific. Certainly it is broadly encompassing in so far as it deals with, as far as we can see, all the physical possibilities embraced by the term 'pollutant'.

The Minister made reference, in her response to the member for Heysen, to the link between the Crown being bound and her proposal, through an amendment which we cannot canvass because it has not been moved, to introduce a body which is not herself, to advise on these matters. The argument on that will come when we get to the relevant clause. Suffice to say, since the Minister has mentioned that body, that it hardly inspires confidence when the former Chairman of that body has publicly described it as a tame cat body which is simply at the mercy of the Minister when it comes to effective action.

The Minister cannot expect this Parliament to accept, with any confidence, the integrity of decisions that will be made when she is proposing to be advised by a committee which has already been publicly discredited by one of its members. When I say the Committee has been discredited, its role has been discredited as a result of its Chairman resigning. I will not pursue that in any detail, because obviously the time to do so will be when we come to that clause. I simply reinforce the point that the definition moved by the member for Heysen is encompassing. It is broad enough and clear enough to be readily understood by anyone who will be bound by this Bill—which is soon, we hope, in an improved form, to become an Act—and it is one that should be supported by the Committee. I believe the arguments are compelling and that the Committee should support the amendment.

The Hon. S.M. LENEHAN: What really concerns me about this definition is the actual effect of its implementation. It would have to be proved that any of these substances actually cause pollution rather than that the actual discharge of the substances into the marine environment was contrary to the licence. I reject totally the tortuous logic of the member for Coles in saying that, because it is an all encompassing definition from which certain things can be excluded, that is some kind of nasty, ancient trick.

We have already come up with three or four things that probably would not be caught in this definition. I believe that members opposite have raised a number of things that are not caught in this definition. Even if tonight we were to have a brainstorming exercise and think of every possible thing and write them all in, who is to say that there are not a number of things we have not thought of or that there are substances and chemical compounds which are being discovered—I would remind members of that—and they are not necessarily covered by this definition. The way in which the Bill has been framed inidicates that these are some of the ways in which we should be proceeding rather than making this very narrow attempt to be prescriptive. It will not work or operate properly and we will, in fact, lessen the effect of the Bill. We will lessen the impact of the Bill in protecting the marine environment, and I am not prepared to accept any lessening of the measure in terms of its effect on the environment.

The Hon. D.C. WOTTON: I wish to comment on a couple of points the Minister has made. I reiterate what my colleague the member for Coles said about the Environment

Protection Council, and we will have the opportunity to speak more fully on that when that amendment is introduced. The Minister is saying that the definition is not wide enough. In paragraph *(a)* 'pollutant' means any waste matter whether solid, liquid or gaseous resulting from any industrial, commercial or governmental activity. I do not know how much wider one needs to go.

I concur with what the member for Coles has said, and I reiterate what I said before. The general public are looking for a concise definition and guidance under the Act. They want to be able to understand what we are trying to achieve in this legislation. That is why we have set down this definition. I do not see any of the problems that the Minister has raised as being insurmountable. It is wide enough, yet it defines 'pollutant' accurately, and I certainly do not go along with the suggestion made by the Minister that giving the Environmental Protection Council some authority in this matter will satisfy the community, and I am not saying that against the body itself. I strongly support the legislation that sets up the Environmental Protection Council in this State. I will refer to my concerns when it is appropriate to do so.

Mr BRINDAL: I understood from the Minister's comment a moment ago that one of her problems with the definition was that it would be necessary to prove that the waste matter was in fact polluting. I cannot understand the logic of that. By virtue of the definition of 'pollutant' being in the Bill, the Minister has the power not to have to prove anything. If the substance defined as a pollutant is present, then by definition it is a part of the Act and subject to the Minister's responsibilities under the Act. That is not what I understand the Minister to have said.

The Minister quite rightly pointed to concerns that we had on this side of the Chamber about the lack of the definition and said that this definition of 'pollutant' limits the Government. I point out to the Minister that one of the things we referred to, to which she has also alluded, is thermal pollution, and I cannot see how any court in this land would allow that thermal pollution is covered by a term 'prescribed matter'. Matter and energy are not interchangeable, except by way of nuclear reaction, and matter is matter.

The Hon. D.J. Hopgood interjecting:

Mr BRINDAL: Yes, thank you. Therefore it is prescribed matter. Under its current definitions, this Bill cannot deal with the problem of thermal pollution which could be a serious problem in our gulfs.

Dr ARMITAGE: I support the amendment moved by the member for Heysen because, although my scientific training was quite a long time ago, if something is defined as being solid, liquid or gaseous, it is actually pretty well defined as being anything. If you then say that this matter can be reasonably expected to affect the environment, you are giving absolutely clear guidance, whereas, defining 'prescribed matter' as being any matter of a kind declared by the Minister to be matter to which this Act does not apply, is, in my view, providing great scope for allowing things to slip through the net rather than being all encompassing. Even more dangerously, perhaps you are allowing the possibility of retrospective declarations of matter being matter to which this Act does not apply.

The Hon. S.M. LENEHAN: In fact, it is quite the opposite. By having a general definition and then having to name exclusions, that does not give great scope at all. In fact, that makes it very clear. Unless the particular substance is named as an exclusion, it is covered by this Act. To pick up the previous member's point that, if pollution is written into the Act and the pollutant is defined it is covered by the Act, my question is: what if it is not defined? What if it does not come within the narrow definition contained herein? It is not then covered by the Act, and that is my concern, and I make no apology for that concern. The whole intent of this Bill is not to provide loopholes but to be all encompassing and to name the exclusions. That is the best way to proceed, and for that reason I will be maintaining the position of the Bill and rejecting the amendment.

Dr ARMITAGE: Can the Minister then assure the Committee that there will never be retrospective declarations of matter being matter to which this Act does not apply?

Mr BRINDAL: Even that being the case, why would the Minister not look at least at a definition couched in terms of the definition contained in the Water Resources Act which I consider to be very good and to have been carefully worded in such a manner as to be all embracing?

Amendment negatived.

Mr BECKER: Does the clause before the Committee cover chemical sprays on trees and gardens, particularly in relation to—

The CHAIRMAN: Order! Is the honourable member for Hanson addressing the next amendment or the clause?

Mr BECKER: I am addressing the current clause.

The CHAIRMAN: It would be more convenient for the Committee to deal with the next amendment first and take the clause as a whole when the amendments have been dealt with.

The Hon. D.C. WOTTON: I move:

Page 2, lines 27 and 28—Leave out subclause (4) and insert—

(4) A declaration may be made under subsection (3) *(b)* in respect of waters in a specified place or area whether the waters are present there permanently or only occasionally and whether or not they are present there when the declaration is made.

That sounds a bit confusing, I must admit. It was brought to my attention when we were looking at the definition of 'lake' because, under 'Interpretation', the definition includes lagoon, swamp, marsh or spring. It was suggested to me that it was necessary to spell out that on some occasions a lake or waterway would contain water and on others it would not. We could be talking about underground water. There are many areas that are not clear in this legislation. Certainly the scientific advice I have received suggests that a provision similar to this is necessary to define that situation so that, if we are talking about a lake or river with or without water, we are still talking about the same matter. Even though a lake may be empty for part of the year, there are still concerns about the effects of pollutants on wildlife and other forms of habitat. For that reason, I am advised that this amendment is necessary in the legislation and I ask the Minister to support it but, if not, to explain why it should not be supported.

The Hon. S.M. LENEHAN: The honourable member's amendment is obviously contingent on the first part, which seeks to leave out existing subclause (4). Quite obviously I cannot support that, because it is important that we retain a broad definition of 'pollution'. I will not then agree to remove the ability to declare that specified matter is matter to which this Act does not apply. Otherwise the Bill picks up every single thing that could ever possibly be discharged into the marine environment, irrespective of whether it is causing pollution. For that reason, I would have to reject the honourable member's amendment. However, as to the definition of 'lake', if the Committee would allow me a minute, I will seek advice. It is my understanding that the definition of 'lake' does include the very situation to which the honourable member refers.

I am prepared to accept part of the amendment, although I do not accept the deletion of subclause (4). What I propose

is a new subclause (3) *(a)* to pick up the start of the second part of the amendment, as follows:

A declaration may be made under subsection (3) *(b)* in respect of waters in a specified place or area whether the waters are present there permanently or only occasionally and whether or not they are present there when the declaration is made.

The Hon. D.C. WOTTON: I am quite happy with that.

The Hon. S.M. LENEHAN: If we cannot do that now because of Standing Orders, we can do it in the Upper House.

The CHAIRMAN: I propose to put the amendment moved by the member for Heysen. If that amendment is negatived, the Minister will have the opportunity later to move for the insertion of her suggested new subclause.

Amendment negatived.

The Hon. D.C. WOTTON: Clause 3 (3) provides that 'the Minister may, by notice published in the *Gazette'* and it goes on with paragraphs *(a)* and *(b)*. I am a bit concerned about the word 'may'. Will the Minister give an undertaking that if that does occur—and it should occur—the matter will be referred to in the *Gazette* promptly? It is not a bit of good saying that one may do this 18 months after the event, or whatever the case may be. There was a suggestion that the word 'may' should be replaced by 'shall', but I should like an undertaking from the Minister that she would be prompt in the gazetting of information in this respect.

The Hon. S.M. LENEHAN: I am delighted to give the honourable member that guarantee.

Mr BECKER: Is the Minister satisfied that under this clause pollution created by chemical sprays on garden fruit trees or sprays used by district councils on trees, gardens or nature strips, etc., then washed off through natural causes into creeks such as Brownhill Creek or Sturt Creek and then into the Patawalonga (which in the past has killed fish) is covered and that certain persons such as property owners and those who spray gardens are held liable? Is she also satisfied that this clause covers pollutants such as those resulting from the flushing of the Unley swimming pool? I am not sure whether that pool is still in use, but I am told that on previous occasions back flushing of that pool discharged a terrible black sludge. Apparently, it was revolting and it used to come down one of the creeks and work its way into the Patawalonga Basin.

It was common knowledge that this was done, and there is no guarantee that that pool, if closed, will never be reopened. On another occasion an industrial accident occurred on a property at Edwardstown, and a huge amount of oil was washed into the Sturt Creek. I want an assurance from the Minister that this clause ties up those situations.

The Hon. S.M. LENEHAN: In terms of the definition, the situations referred to by the honourable member would be covered but, in terms of the specific application of this Bill, they will not, because, as I pointed out earlier, this Bill relates to point source discharge. The Government intends to consult with local government and some of the specific groups to which the honourable member has referred. Obviously, one cannot just march in with legislation relating to the storm water system, which is a council responsibility, and implement a whole range of restrictions on the activities of other levels of Government without thorough consultation.

As I announced last year when I brought this legislation before the Parliament initially, this Bill was intended to control point source discharge after thorough consultation and the working out of ways to address those issues (which I acknowledge are very serious). We must get this right. This is stage 1, and then we move to the diffuse sources of pollution as stage 2 of what will be a couple of Bills covering marine environment protection overall. As I tried to explain earlier, the definition covers the type of situation to which the honourable member refers, but the actual implementation of this Bill does not do that at this time.

Mr BECKER: Will the Minister advise the Committee of the timetable she is working towards in relation to supplementary legislation?

The Hon. S.M. LENEHAN: The time frame is dependent on two things. First, a metropolitan drainage review is currently taking place. The honourable member, having a seaside council and coastline area, probably more than most members would know that the control of drainage is a major problem facing the city of Adelaide. We hope that, after final negotiations and all consultations, the final Bill will be before the House within two years.

While that might seem a long time, one thing I have learned since becoming a Minister is that nothing seems to happen overnight. Given that so many councils are involved and that there are so many potentially polluting diffuse sources, it could take up to two years. I am probably being a little conservative there, but it is important that that be pointed out, rather than build up the expectation that we will be rushing in with something during the next session.

I think that both sides of the House have to sit down with local government and enter into some very constructive discussions as to how we can resolve these issues. I do not believe that the State Government can do it on its own, and it is not appropriate for us to say, 'Stormwater and some of these other things are your problems: you go away and sort them out.' We will have to work constructively together to resolve them, because they are major issues in the member for Hanson's electorate as well as a couple of others, including those of the member for Henley Beach and the Speaker.

Mr FERGUSON: I am prompted to rise following the questions put by the member for Hanson, since I have a very deep concern along the same lines. I raised this matter during the second reading debate, and I ask the Minister to consider, when we get down to negotiating on non-point sources of pollution, the problem of local government not using its powers under section 748 in respect of on-the-spot fines for littering.

Although it is a local government matter, it crosses the boundaries of the legislation so far as storm-water pollution is concerned. Councils' excuses for not using their powers under the Act relate to the inspectors' contention that they should have powers to require persons to give proof of their names and addresses. It is alleged that people dropping rubbish (which finishes up in the stormwater run offs) will not give their correct name and address and the inspectors have no power to force them to do so. This is a very important problem for people in the coastal areas, and I ask the Minister to take that into consideration when she gets down to negotiations.

The Hon. S.M. LENEHAN: Yes, I will be very pleased to take up this matter not only on behalf of the member for Henley Beach but also on behalf of a number of other members who have raised this with me. It is a matter of concern that we have introduced laws in terms of littering and they are not being implemented. This is one of the matters that we will put on the agenda when we move to pick up the points raised by the member for Hanson. I move:

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

Motion carried.

Clause passed.

Clause 4—'Act binds Crown.'

The Hon. JENNIFER CASHMORE: In her second reading reply the Minister made reference to the report which she said contained the program for dealing with capital works and redirecting sewage discharge away from the sea and she said—and I appreciate the information, which is obviously on the public record—that I could find out the cost of at least one element of this legislation which binds the Crown. I think, however, it is reasonable for that information, at least in its general and substantial form, to be included in the record of this debate and I would be grateful if the Minister could give the time frame and the overall cost of the effect of binding the Crown in terms of prohibiting sewage discharge into the sea and if she could also indicate the time frame and the cost of dealing with stormwater run-off.

I was one of those—admittedly, it may have been only a few members—who, in the second reading debate, referred to local government. I questioned rhetorically in the second reading debate who would bear the cost of dealing with stormwater run-off and its pollutant effect upon waterways which drain into the sea. Clearly, as it was identified by the member for Flinders and other members, that will be an enormous expense to the Crown. I would like to know roughly the order of that cost and the timetable for implementing the Government's obligations.

The Hon. S.M. LENEHAN: Quite a number of questions are contained in that contribution. First, let me say that stormwater is not covered by this Bill, and I made that point fairly clearly to the member for Hanson. We are talking about specific point source discharges. We are not picking up stormwater for the very reasons I gave the member for Hanson. They are not excluded from the broadest definition of the Bill but they are not picked up specifically in this piece of legislation because we have not yet sat down with local government. The Metropolitan Drainage Review has not made its report to me. It would be premature to talk about covering metropolitan stormwater and drainage in this Bill. So, I cannot give the honourable member a time frame for that; it will depend on the cooperation of local government because, currently, local government has the responsibility for stormwater drainage.

However, I refer the honourable member again to the document which I referred her to earlier and which is a discussion paper entitled 'A Strategy for Mitigation of Marine Pollution in South Australia'. Costs are identified for doing a number of things: the land-based disposal of sludge; removing nitrogen from Bolivar, Port Adelaide, Glenelg and Christies Beach; and establishing the Port Lincoln sewage treatment plant—and I note the silent applause from the member for that area. The next stage is the removal of phosphorous from Bolivar, Port Adelaide, Glenelg and Christies Beach. While capital and recurrent costs have been estimated, it was not appropriate for the E&WS to set a time frame for that work to be carried out.

The honourable member would recall from her time in Government that those decisions are very much dependent upon budgetary discussions that take place around the Cabinet table. However—and we will talk about this in terms of the time frame for the final implementation of this legislation—I have done some homework on this myself. I think that my amendment, which is on file, provides for an eight-year period. I believe that in an eight-year period the E&WS in its forward projections of budgetary considerations will be able to meet the requirements of this legislation in that period.

I will be rejecting the Democrats' proposal for five years because that would place an unreasonable budgetary burden on any Government. It may not necessarily be the Government that sits on this side of the House in five years; there is another election before then. I believe that the Opposition will probably be very reasonable about this because, unlike the Democrats, it certainly has more than a fighting chance of being in Government and implementing the legislation. Therefore, we have to adopt a commonsense approach to this. I cannot give the honourable member specific details—that is part of the whole budgetary process. I must point out to those members who were not here earlier that clause 4 provides that this Act binds the Crown. I believe that is absolutely clear. I have publicly stated on a number of occasions that that means Government departments, including the Engineering and Water Supply Department. We will be working to ensure that these departments meet the requirements of the legislation within the time frame that will be agreed to by both Houses of Parliament.

The Hon. JENNIFER CASHMORE: That was quite a lengthy answer. All I wanted was the actual figure, which I know the Minister has in front of her, because she said that she had it in front of her, and that is what I asked for.

The Hon. S.M. LENEHAN: I was not aware that the honourable member was interested in the actual figures. I will read them out. I point out that this is an estimate at this stage, because we do not know what the time frame will be specifically, so I hope that people will take that in the spirit in which it is given and was given in the report from the E&WS. For the disposal of land-based sludge, the capital cost is estimated at $4.3 million with a recurrent cost of $65 000; the nitrogen removal from Bolivar, Port Adelaide, Glenelg and Christies Beach would be some $20.3 million in capital expenditure with a recurrent expenditure of $90 000; and the Port Lincoln sewage treatment plant is estimated to cost in the vicinity of $3.3 million, with a recurrent cost of $15 000, making a total, in terms of the capital commitment, of $27.9 million, with a total recurrent commitment of $1.7 million. The expenditure for phase II would, of course, strongly depend upon the results of the monitoring which would be carried out in the intervening period. Assuming the worst case of phosphorous removal at all of the four plants—so, this is a worst case scenario—the cost would be in the order of $23 million capital expenditure with a recurrent expenditure of $900 000.

Mr BRINDAL: I also seek information from the Minister who, in her second reading explanation, stated:

> Although the White Paper indicated that the Coast Protection Act would be the vehicle affording control of what was termed 'point-source' pollution, public response to the White Paper strengthened the view that it would be sensible to anticipate the need to manage more diffuse sources of pollution from such things as stormwater runoff. Therefore, rather than restricting powers only to what was needed for point sources, the Government has prepared a Bill capable of encompassing a broader range of problems.

The Minister goes on, as she has consistently argued tonight, as follows:

> There is, however, no intention to take action in respect of diffuse sources until the point sources have been dealt with and until there has been extensive liaison with local government.

If the Act binds the Crown and if the Act is capable of an interpretation in law which goes wider than point source solutions (as the Minister is saying in her speech), would it not be possible for an outside body such as the Conservation Council or a body particularly interested in environmental issues to take this matter to court and claim that the Crown is bound by the Act and, therefore, must address the issue of other than point source solutions? The problem I see is something either like stormwater runoff or runoff from main roads which can be held to be pollution and for which the Crown would be liable because many of those roads are Highways Department roads.

The Hon. S.M. LENEHAN: I am not a lawyer and it is my understanding that the short answer would be 'No', but I shall be happy to take advice on the question.

Mr BRINDAL: I would think that the Minister should do so, otherwise we could all be in trouble over that.

Clause passed.

Clause 5—'Application of Act.'

The Hon. S.M. LENEHAN: I move:

Page 3, after line 10—Insert new Part as follows:

PART IA

ENVIRONMENTAL PROTECTION COUNCIL

Minister to seek advice of Environmental Protection Council

5a. (1) The Minister must, before—

(a) issuing any notice—

(i) declaring matter to be matter to which this Act does not apply;

(ii) declaring land to be coastal land to which this Act applies;

(iii) declaring waters to be inland waters to which this Act applies;

or

(iv) setting policies, standards or criteria that are to be taken into consideration in determining applications for the grant or renewal of licences or what conditions should attach to licences;

or

(b) varying or revoking any such notice previously issued by the Minister,

refer the matter to the Environmental Protection Council for its investigation and report and have regard to the advice and recommendations of that council.

(2) For the purposes of any investigation or report pursuant to this section, the council may, with the approval of the Minister, or must, if so required by the Minister, co-opt as an additional member or as additional members of the council—

(a) a person or persons with special expertise in relation to matters relating to the marine environment and its protection;

(b) a person or persons with knowledge and experience of the fishing industry or any other industry affected by this Act.

I do not intend to make a long and grand speech, because the amendment speaks for itself. I am seeking to empower the Environmental Protection Council (EPC) with a number of specific roles and functions which are more than just advisory roles and functions.

The intention of the amendment is to ensure an independent body that is able to provide the role and function of an independent audit on exactly what the Minister is doing. That is important. I am a little concerned (and I want to put this on the public record) about some of the aspersions that have been cast on the EPC. I do not intend to go over past history. Since I have been the Minister for Environment and Planning a new EPC has been appointed. If members wish to pursue a criticism of the EPC, I shall be happy to list EPC members and their credentials and expertise, because I believe that we have a most effective council and that the qualifications, qualities, experience and expertise of the members will ensure that the kind of independent, objective and professional advice that is being sought under this Bill will be provided. I urge all members to support my amendment which is positive and which addresses a number of criticisms that might have been made by various groups outside the Parliament.

The Hon. D.C. WOTTON: The Opposition opposes the amendment and will be moving its own amendment at the appropriate time. I repeat what I said earlier about the EPC: I am a strong advocate of the council; I strongly supported the legislation which established the council. The EPC has a real role to play, but I am concerned about the way in which the council is presently being treated. As I understand it, the EPC is not effective at this stage for a number of reasons. It is not appropriate for me to spend much time going into that now. Members on this side referred to an incident late last year when the Minister held this portfolio: the former head of the State Government EPC resigned his 20 year membership of the council in disgust over a number of matters.

The Hon. D.J. Hopgood interjecting:

The Hon. D.C. WOTTON: Professor Browning resigned his position in October 1989.

The Hon. D.J. Hopgood: He had been a member for only two years.

The CHAIRMAN: Order! The honouable member for Heysen has the floor.

The Hon. D.C. WOTTON: I am not too sure. Perhaps there has been misrepresentation in the paper, but at the time of Professor Browning's resignation it was stated:

. . . during his term as Chair of the Environmental Protection Council, which advises the Environment and Planning Minister, he had been increasingly frustrated by Government reluctance to take expert advice on environmental issues.

Professor Browning has said that publicly and was quoted in the media at the time of his resignation. That statement reflects my concern. A number of reports have come to me from other members of the EPC who feel exactly the same as Professor Browning felt at the time of his resignation. I do not believe that the Minister is treating the EPC appropriately. I do not believe that the Minister is taking the advice that she should be accepting from the EPC and, in those circumstances, it is a farce for the Minister to be moving this amendment.

I will have the opportunity to explain why I want to propose another committee at a later stage, but I do not support the provisions in this amendment that the EPC would have to take into account. I do not believe that they are appropriate, and I certainly do not believe it to be appropriate for the EPC, particularly given the way in which the Government is treating the council at this stage, to be given that responsibility.

The Hon. JENNIFER CASHMORE: I oppose the Minister's amendment, and I want to elaborate on the grounds that were put forward by the member for Heysen. On the face of it the amendment has considerable merit, and one has to acknowledge that it is an improvement on the original Bill. This brings us to the points that were made, if I recall correctly, by the members for Napier and Albert Park when accusing the Opposition of bringing in what were described as 'cobbled together' amendments at the last minute. The Minister has been doing a little cobbling of her own and, on that basis, the original charges by members of the Government are completely unfounded.

As I say, on the face of it the Minister's amendment has some merit in that she recognises that there needs to be a body that appears to be—and not only appears to be but is—at arms length from the Government, and is seen by the public to have some independence and integrity (and I use 'integrity' in its general and specific sense) that is separate from the Government. If the EPC had not been used and abused by this Government, it would be seen to be that ideal body. The fact of it is that it is not seen in that light. The former Chairman, Professor Browning, resigned on 7 October 1989. The Minister was appointed on 20 April 1989. In other words, the Minister was the responsible Minister and had been the Minister for the better part of six months when Professor Browning, in complete frustration, resigned.

Does the Committee need any further evidence than that that the Minister turned the council into a tame cat organisation which was recognised by its own members as being a completely unacceptable situation? That being the case, and that being on the public record, how can anyone in this House or in the community have confidence in the EPC as

the watchdog of the Government when it comes to prescription of pollutants? It is simply not possible for us to have the kind of confidence that we must have in the administration of this legislation if it is to work and be effective. As I say, if that were not the case, the amendment would have merit, because the notion behind it is sound.

However, the Opposition rejects it not only for the reasons we have outlined but for the other simple and overwhelmingly important reason that our amendment is better. The amendment that will shortly be considered by the Committee, after, I hope, the Minister's amendment is rejected, is a better amendment. The set-up that we propose quite clearly is better. I have no doubt that in the final analysis the Minister will be required to live with that better amendment. I certainly hope so.

The Hon. D.J. HOPGOOD: I point out that Professor Tom Browning resigned as Chairman of the Environmental Protection Council during my time as Minister. I think the honourable member has confused that event with the subsequent event that had some publicity, when I understand Professor Browning might have resigned from the Labor Party. I make perfectly clear that when the present Minister became Minister for Environment and Planning, Tom Browning was no longer a member of the EPC.

The Hon. S.M. LENEHAN: I did make the point that I had appointed a new EPC in my time as Minister. I am now charging the EPC with the responsibility under the provisions contained in this amendment and they are very demanding provisions in terms of role and responsibility. I am concerned at the criticisms that have been levelled both at the EPC and at me by the member for Heysen. I ask whether Opposition members consider that people such as John Rolls, who represents the Conservation Council on this particular body, is a stooge of the Minister? Is Alan Butler, a Bachelor of Science with honours, Ph.D. and lecturer in zoology, and who is a member of the EPC as a person with knowledge in biological conservation, a stooge of the Minister? Is Barbara Wilson, a Bachelor of Veterinary Science, the Director of Animal Services and an officer with public knowledge and Public Service experience in environmental protection a stooge of the Minister? Is Mr Matthew Goode some sort of stooge of the Minister? Is the Mayor of St Peters, Clive Armour, a Bachelor of Commerce, who has a list of qualifications as well as knowledge of and experience in the manufacturing and mining industry a stooge of the Minister?

What about Mrs Eve Shannon, a Bachelor of Science and a farmer from Kapunda? She is on this council because she has knowledge of and experience in rural industry. Is she another stooge of the Minister appointed to somehow give the Minister the advice that I am supposed to be seeking? What about Dr Kerry Kirke, an officer of the Public Service with knowledge of and experience in public health?

The EPC is currently chaired by Mr Geoff Inglis, who was the former Director of Pollution Management for the Department of Environment and Planning. I am not prepared to have aspersions cast on their professional qualifications, expertise, competence and independence. I believe that whatever problems existed with the EPC in the past are in fact, in the past. I am prepared to acknowledge the role and responsibility of the EPC and the fact that it has quite enormous powers under the Act that established it.

I again refer members to the amendment, which provides that for the purposes of any investigation or report the council may, or must if required to do so, co-opt additional members who have specific and particular expertise. This body will have wide expertise—in fact, I believe it will be seen by the community as having wide expertise—and will be able to provide independent advice in terms of looking at a whole range of issues that are clearly delineated in my amendment. I believe the Opposition is being churlish in not accepting my amendment. It is excellent, and I believe it will ensure the proper workings of the Act.

The Hon. D.C. WOTTON: We are certainly not—

The Hon. J.P. Trainer interjecting:

The CHAIRMAN: Order! The member for Heysen.

The Hon. D.C. WOTTON: We are certainly not critical of those people who are currently serving on the EPC—

The Hon. Jennifer Cashmore: Or formerly.

The Hon. D.C. WOTTON: Or who formerly served, if it comes to that. I recall many of the people who, over a period of time, have served on that council, and who have served that council and this State very well. We are not condemning or criticising them, their qualifications or their commitment to the EPC. What we are criticising is the Minister's handling of this particular council. At present there are frustrations in the council and it is no good the Minister's saying that that is all in the past. I understand that at present there are frustrations in the EPC.

I cannot go any further than that because, if I do, I will be moving into the next amendment and it is not appropriate for me to say more than that at this stage. I reiterate that I believe it is inappropriate for the EPC to be given this responsibility. I refute the suggestion that any member of the Opposition does not support the commitment of those who currently serve or previously served on the EPC.

The Hon. JENNIFER CASHMORE: I also refute any suggestion that I criticised either the integrity or qualifications of any member of the EPC. The Minister has said that it is a source of independent advice. It does not matter how independent the advice is or how well qualified the people are who give it; if the Minister chooses not to take the advice, it is worth nothing.

The Hon. S.M. Lenehan: Read the amendment.

The Hon. JENNIFER CASHMORE: I have read the amendment and I note that there is nothing whatever in it that requires the advice of council to be made public. That, in our opinion, is a very serious deficiency.

The Hon. D.J. Hopgood: Read the Act.

The Hon. JENNIFER CASHMORE: The Minister would very well know how often the EPC wanted to make public its findings and opinions and was prevented from doing so by the very Minister who interjected. That is the root of our opposition to this amendment. The Act of the EPC is relevant in terms of its operations under that Act, but it does not apply to its operations under this Act. The only thing that will apply to its operations under this Act is the amendment moved by the Minister. There is nothing whatever in that amendment requiring its advice to be made public. That is a deficiency which cannot be overlooked. It is probably the key distinguishing point which makes the Minister's amendment very much inferior to the Opposition's proposed amendment and it is basically the reason why we cannot support it.

The Hon. S.M. LENEHAN: The honourable member says that she has read the amendment. I will read the amendment slowly so that she can clearly understand what it says. It provides:

> The Minister must, before—
> *(a)* issuing any notice . . .

I will not read the four points because I hope the honourable member can read them, but she (in this case), or he, must:

> refer the matter to the Environmental Protection Council for its investigation and report and have regard to the advice and recommendations of that council.

So, the Minister just cannot tear the advice up—the Minister must have regard to the advice and recommendations.

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: It does mean something. In fact, this amendment has not just fallen out of the air; it has been drawn up very carefully to ensure that the role and function of the EPC is to do exactly what I have clearly stated. It seems to me that members have sought, in the public arena and everywhere else, greater ministerial accountability and, therefore, this amendment does require the Minister to seek and take notice of the advice of the EPC. If members want to refer to the past role of the EPC, that is up to them. I have established this new EPC; I am giving it a set of responsibilities and a role and I will use the EPC in a most positive and constructive way. It will be very interesting when we get to the next amendment to see how much teeth that has, because I believe that this is moving forward in a very positive way and getting independent, professional and expert advice on the matters that will be referred to it.

Amendment carried.

The Hon. D.C. WOTTON: I move:

Page 3, after line 10—Insert new Part as follows:

PART 1A

MARINE ENVIRONMENT PROTECTION COMMITTEE

Establishment of Marine Environment Protection Committee

5b (1) The Marine Environment Protection Committee is established.

(2) The committee is to consist of seven members appointed by the Governor of whom—

(a) one is a nominee of the Minister;

(b) one is a nominee of the Minister of Health;

(c) one is a nominee of the Minister of Fisheries;

(d) one is a nominee of the South Australian Fishing Industry Council Incorporated;

(e) one is a nominee of the Conservation Council of South Australia, Incorporated;

(f) one is a nominee of the Chamber of Commerce and Industry, South Australia Incorporated;

and

(g) one is a person with expertise in matters relating to the marine environment and its protection nominated by the Minister.

(3) One member of the committee must be appointed by the Governor to be its presiding member.

It has been impossible for me to say from the debate so far that I believe it is more appropriate for a specialist committee to be established than to have the Environmental Protection Council consider the matters relating to this Bill. I forget the exact wording used, but the Minister suggested that they have been considering this amendment for about the past five weeks. That is absolute rubbish. If that were the case, why was it not in the Bill when it was first introduced? It is something that has been pulled together very hastily—probably this afternoon, I would suggest. How can the Minister come into this place and say that they have given this amendment great thought?

The amendment has been given great thought at least by members of the Opposition. We have considered this matter carefully and looked at legislation in other States. We have determined that it is appropriate to have a specialist committee, and that is exactly what we propose in the seven people who we suggest should be invited to join this committee. The functions of the committee are very clear:

(a) to advise the Minister in respect of the formulation of regulations and other statutory instruments for the purposes of this Act;

(b) to advise the Minister in respect of the granting of licences under this Act, including the conditions to which they should be subject; and

(c) to investigate and report upon any other matters relevant to the administration of this Act at the request of the Minister or of its own motion.

The other area which is important is that the committee must cause:

(a) accurate minutes to be kept of proceedings at its meetings; and

(b) a copy of the minutes for each meeting to be forwarded to the Minister as soon as practicable after they have been made and confirmed.

(5) The Minister must cause a copy of the minutes for each meeting of the committee to be kept available for inspection (without fee) by members of the public during ordinary office hours at an office determined by the Minister.

That opens up for public scrutiny the workings of the committee and its responsibility. There is no opportunity for any deals to be done, if that is the concern of the community. I have certainly gained the impression that the community is concerned that, without a committee, that would be the case. I urge the Committee to support this amendment for the establishment of an expert Marine Environment Protection Committee. Because of the lack of time, I do not want to go through the details of those people whom we would have on the committee or the areas that they would be responsible for, but—

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: I am glad that the Minister can read the provisions under this amendment, but I urge the Committee to support the amendment.

The Hon. S.M. LENEHAN: I really am amazed that the honourable member can make the comments he made with a straight face. He talked about great levels of consultations, looking at other States and thorough investigation. When one reads the list of people who it is proposed will comprise this Marine Environment Protection Committee, there is a glaring omission which is that there is no representative from local government. I cannot believe that the Opposition would come into this place—

Members interjecting:

The CHAIRMAN: Order! The Committee will come to order.

The Hon. S.M. LENEHAN: —and seriously propose this amendment. Having canvassed all the local government issues that are under the care and responsibility of local government, such as stormwater run-off, etc., the Opposition proposes this very latest thing in Marine Environment Protection Committees and they do not have a representative of local government.

The Hon. H. Allison interjecting:

The Hon. S.M. LENEHAN: While the member for Mount Gambier may think that he is being very clever in saying it is not covered—

The Hon. H. Allison: You said it.

The Hon. S.M. LENEHAN: Exactly. What did I then say? I then went on to say that this is a very important area which will need sensitive consultation with local government. How sensitive is it to appoint an Environment Protection Committee and say to local government, 'We are going to ride roughshod over the top of you?' That is exactly what has happened.

I would also say that all of the members nominated by this amendment are in fact covered on the Environment Protection Council except with respect to the Minister of Fisheries, and that is clearly picked up in the amendment. Where there is any issue relating to the fishing area, there is a requirement to have someone as a representative. So, the EPC has all the members covered, who are covered in this amendment, and indeed sensitively picks up the need to have local government representation. If I thought that the Opposition was serious about this and was not trying to score cheap political points in the run up to a Federal election, I would seriously look at it. However, to have such a glaring omission as the third tier of government, it is

obviously nothing more than a sham, and I have great pleasure in rejecting this amendment.

The Hon. JENNIFER CASHMORE: Mr Chairman, we have heard a lot of sound and fury tonight. The Minister has just outdone herself. If she sees merit in this amendment—and apparently only demerit is in her eyes that there is no representative of local government—I am sure that we would be more than delighted to include a representative of local government and then we would have the perfect committee. What is more, the committee would have the added benefit of powers which are not contained in the Minister's proposal, namely, that the scientific input of an independent body not only would be seen to have been given to the Government but would be bound to be taken by the Government because that input would be bound to be made public. That is one of the most important elements of this amendment. It is no use the Minister trying to accuse the Opposition of point scoring in the run up to a Federal election when she has brought in amendments this very afternoon. It is stretching credulity and it is asking us—

Members interjecting:

The CHAIRMAN: Order! The Chair cannot hear the contribution of the member for Coles.

The Hon. JENNIFER CASHMORE: The Minister and her predecessors had literally years and years to get this Bill together. It was brought in prior to the State election in such a terrible hurry that it was introduced one day and debated the next. Then, the Government did not push it through the other place before the State election—it just wanted the general publicity of the House of Assembly debate to sink into the electorate, it hoped. Now that we are heading for a Federal election, we have the Bill again and, in a belated recognition of its gross deficiencies, on the afternoon of the second reading debate, the Minister rushes in further amendments. It is impossible for the Committee to believe the goodwill and, I suppose, deep consideration that the Minister says she has given to this matter. One is sorely tempted to think that the suggestion might have been put to the Minister and it might have been put in such a way that it was an offer she could not refuse. That is purely surmise.

Members interjecting:

The Hon. JENNIFER CASHMORE: We on this side of the Chamber just find some of these late amendments coming from the Minister a little difficult to swallow in terms of their real source. In any event, without going on at any more length, the essential merit of this amendment moved by the member for Heysen is that it will provide a committee comprising experts of which the Minister is bound to take notice and the deliberations of which will be publicly available. What could be more appropriate? It is an amendment that the Committee should support.

The Hon. S.M. LENEHAN: Really and truly, the member for Coles has outdone my performance. She says why should we not accept this committee? We already have a committee. How many more committees do we need? We will have one EPC and another EPC. That really is commonsense, I don't think! We have a committee that has all the membership that is proposed. Where it is required by the Parliament that a committee make a recommendation to a Minister, that committee is not subject to the direction of the Minister, unlike the assertions made by the members for Hanson and Coles. In fact, the EPC will be making independent recommendations and it will not be subject to the direction of the Minister.

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: I knew we would have to get onto Wilpena. The obsessive behaviour of the member for Coles is being commented on throughout the Parliament.

An honourable member: The magnificent obsession!

The Hon. S.M. LENEHAN: I suppose it is within everyone's individual judgment. I think it is an obsession. The amendment agreed to by this Committee is the way in which we should proceed. How many committees does the Opposition want to establish—three, four or five? We already have a committee that can carry out this role and function, as I have clearly been able to demonstrate. Why would we wish to set up another committee which is deficient in membership and which would not be able to do anything more than the Environment Protection Council that is already established and capable of carrying out the job admirably?

The Hon. D.C. WOTTON: We are witnessing the hypocrisy of a Minister who stands up here and accuses us of setting up a specialist committee when the Minister at the bench at present has probably set up more committees than any other Minister I know. Every day we hear of committees being established by the Minister. For example, under separate legislation we have the Clean Air Committee (and it has been suggested that we might have a hot air committee). Why in the world can we not have an appropriate expert committee on probably the most important subject that we have encompassed in legislation? Why in the world can we not do that? I reject the facts that have been put forward by the Minister and, because of the important function that this specialist committee would have, I urge the Committee to support the amendment.

The Committee divided on the amendment:

Ayes (22)—Messrs Allison, Armitage, P.B. Arnold, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton (teller).

Noes (22)—Messrs L.M.F. Arnold, Atkinson, Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Pair—Aye—Mr D.S. Baker. No—Mr Bannon.

The CHAIRMAN: There being 22 Ayes and 22 Noes there is an equality of votes. So, I give my casting vote in favour of the Noes and, therefore, the amendment passes in the negative.

Amendment thus negatived.

The Hon. JENNIFER CASHMORE: Will the Minister explain the application of clause 5 (3) to the Acts listed under that clause, namely, the Pulp and Paper Mills Agreement Act, the Pulp and Paper Mill (Hundred of Gambier) Indenture Act and the Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act? Recognising the nature of an indenture which was passed nearly 30 years ago when times were very different, and recognising and remembering the member for Mount Gambier's reference to the rights given to the pulp and paper mill by the then Liberal Government in terms of pollution, I should be grateful if the Minister would explain to the Committee how that legislation will be affected by this Bill.

The Hon. S.M. LENEHAN: The Acts referred to by the honourable member are included in the Bill only to emphasise that the Bill has no power to override the indentures on Apcel. There are three separate issues: first, the standards that apply to the Apcel plant within the plant boundary; secondly, the standards that could apply to the waters in the drain; and, thirdly, the standards that could apply to releases from Lake Bonney to the sea.

The first two are currently under examination for environmental impact assessment of the Apcel proposal since they would determine the quality of water which will be going into Lake Bonney, and they would be subject to the Planning Act and the Water Resources Act respectively. On the last occasion that this Bill was debated we discussed at great length the questions relating to Apcel. If the Opposition wishes to pursue that path tonight, that will be fine with me, although I do not know that it is necessary.

All of us, on both sides of Parliament, have recognised that there is no question that the lake is in an appalling condition, and recognise that decisions taken by a former Government are really out of step with what we require in today's society. A number of actions have been taken by Apcel on its own behalf. I can go into these actions, although I am sure that the local member is aware of them. Obviously, Apcel wishes to work as constructively as it can not only with the local community but also with the wider community in South Australia and with the various Government departments which have indicated a willingness to provide information and constructive support and help to Apcel to achieve a cleaner environment in the medium term.

It will not happen overnight—unless any honourable member suggests that we march into Apcel in our jackboots and close down the company, which means closing down a huge section of industry and employment in the South-East. I do not believe that any member of this Committee is so irresponsible. While we all recognise that we must do something about cleaning up Lake Bonney, it is not proposed at this point that this legislation will override the indentures established to enable Apcel to establish the paper mill at Mount Gambier.

The Hon. H. ALLISON: The Minister in two major Bills now has declined during the second reading stage to answer almost any of the very numerous points raised by members on this side in the second reading debates, and she did so on the pretext that to do so would prolong the debate. The Minister said that she would be quite prepared to enter into further discussion during the Committee stage. For exactly the same reason to be given in two major debates is unique in my experience, but we let that pass—that was the Minister's decision.

I should like to advert to the debate last night, but I am not permitted to do so. Perhaps the Minister would like to respond on this point. I was a little chagrined a moment ago when the Minister, I am quite sure, was referring to Sir Thomas Playford when she referred to possible errors made by a previous Government. I said in debate yesterday that the previous Director-General of the E&WS Department had advised Sir Thomas that Lake Bonney in the South-East was a relatively useless stretch of water which could receive the effluent from a paper mill, yet Lake Bonney was the only substantial body of almost absolutely fresh water in South Australia.

By including in this Bill and the Water Resources Bill the indenture, agreement and Act referred to previously, the Minister has admitted that they are still superior to the present legislation and to the water resources legislation. The Minister of Forests admitted in Question Time during the last session of Parliament that the Crown was bound by the indentures. I should like to put some further historical context into this debate. Sir Thomas Playford was advised by senior departmental officers who may or may not have known better—environmental matters did not receive the same precedents 20 or 30 years ago that they do now. I remind the Minister that her Government some 20 years ago decided that it might be able to freshen up Lake Bonney by admitting seawater.

Amazingly, no-one bothered to take the levels of the lake and the level of the sea before the cutting was excavated from Lake Bonney into the sea. The remarkable fact was that Lake Bonney in its then condition contained a vastly greater amount of water than it does now. When the cutting was excavated, it was intended to be only a narrow cutting. As soon as the higher level of the lake began to find its way down to the lower level of the sea, it scoured and we had a wide cutting, with the result that that huge body of water which the lake contained was greatly diminished, and the diluting factor of that wonderful fresh water to the pollutant, which was entering the lake, was greatly reduced. We were left with a relatively shallow lake.

In her wisdom, the Minister only a few months ago did not leave the lake at its then level, because she claimed it was flooding some farmland at the southern end of the lake. That farmland had been flooded to a far greater extent before the former Minister of Lands (Hon. Des Corcoran), to whom I gave plaudits yesterday, excavated that cutting to the sea and reduced the level.

The present Minister decided that, potent though the effluent is in the lake, she would reduce the volume of water in the lake still further, simply to protect a bit of farmland and, by doing so, she endangered the marine population—the abalone and the crayfish—to the dismay of the fishermen who lobbied her intensively. Of course, the Green Peace people who we see about once every 30 years in the South-East came down, too. The last time they put a symbolic plug over the Finger Point outlet, but that was after the Government decided to put a sewerage plant there anyway. That is by the way.

What I am really saying is that that second action of the Minister, rather than helping the lake, further reduced the volume of water in the lake and further concentrated the pollution in the lake. Two actions of the Minister's own Labor Government contributed to the initial action of the Playford Government in having the indenture agreed to and exempting the company from responsibility for effluent for some 50 years. What does the Minister intend to do, because the indenture is binding?

The Crown is bound by this legislation under clause 4, which we have just debated. The Minister's response a moment or two ago to the member for Coles was very bland—there was absolutely no commitment for the Government to do anything other than be friendly and not send jackbooted troops in to the company. However, the Minister cannot do that, anyway. The Minister implies that we are threatening the company. We are not doing anything of the sort.

The Opposition is simply pointing out that the company already has protection. The Government is the organisation bound by the legislation and the indenture. The Minister has the responsibility, and yet in the previous debate in the last session of Parliament she said that she had no intention of taking any further action, other than encouraging the company to enter into some mutual cooperative scheme to diminish the pollution in the lake. No strategy was stipulated. She had only one thing in mind, that is, that the company concerned may possibly change its *modus operandi*. It may alter the method of manufacturing paper but the big question is what if that does not happen? Who can blame the company if it does not want to spend another $150 million, which is what it will cost for the new tooling up and manufacturing processes.

What will happen if that company does not spend the $150 million? Does it mean that the company has not cooperated and that the Government and the Minister are bound by the indenture and the legislation? Will we have

to wait for another 24 years for the expiry of the indenture before something is done? Yesterday, I asked many times in the debate on the water resources legislation what resources would be committed. Again, in respect of this Bill the Minister has accused the Opposition of being opportunistic, of introducing amendments at the last minute when, in fact, the amendments are part and parcel of stronger legislation than this legislation, which the Minister has claimed is amongst the strongest to be found anywhere. That is simply not true, because the legislation interstate is stronger than our legislation.

The committee discussed a few minutes ago was a proposed committee of experts, including CSIRO people who have been working on this for 25 years. They are not babes in the wood. The Minister seems to be declining offers of help and requests from this side for strategic information—long term and short term. We are prolonging the debate slightly, because the Minister declined to respond in her second reading reply, either to this Bill or yesterday's Bill and I ask the Minister, if she can, to be more specific as to her and the Government's intentions about Lake Bonney in the South-East.

The indentures are there: she has included them in the Bill, and I assume that that is to protect the companies. We do want to close down the companies but, as I said yesterday, we do not want to close down the plant. If the Minister is as green as conscientious and as determined to clean up the universe as she has publicly proclaimed, prior to this election and prior to the last State election, for goodness sake let us see action and not words. Even words would be better than the profound silence which ensued at the second reading response yesterday and the second reading response today.

The Hon. S.M. LENEHAN: It is fine for the honourable member to get up and make grand speeches. The honourable member knows that I crossed the Chamber last night after the long debate and asked him whether he wanted me to respond to all of the points in the Bill raised by Opposition members, or whether he wanted to use that time for debate in Committee. He agreed that that was more appropriate, for that time to be devoted to the Committee stage. Now he turns around and claims—

The Hon. H. Allison: That was yesterday.

The Hon. S.M. LENEHAN: That is what I am talking about. I did not ask the honourable member today. This is like a kindergarten.

The Hon. H. Allison interjecting:

The Hon. S.M. LENEHAN: That is fine. In future I will respond to every single point and we can be here all night, if that is what the honourable member wants. The honourable member gave us a grand speech on a number of issues. He knows that by quoting figures such as $150 million for the final transfer of the new technology that there is certainly a strategy, that the company is working very constructively with a number of Government departments. They have to get approval from their parent company for a number of the new projects they are undertaking. Strategies are in place; we are moving forward. Does the honourable member suggest that we tear up the indenture or does he support what the Government is doing in working constructively with the Apcel company?

The Hon. H. Allison: Sarcasm is your forte.

The Hon. S.M. LENEHAN: That is fine. The honourable member can personally abuse me all night.

The Hon. H. Allison interjecting:

The CHAIRMAN: Order! The honourable member for Mount Gambier.

The Hon. S.M. LENEHAN: I am quite happy if the member for Mount Gambier wants to get into personal abuse.

The Hon. H. Allison interjecting:

The CHAIRMAN: Order! I call the member for Mount Gambier to order!

The Hon. S.M. LENEHAN: I did not interrupt the honourable member during his tirade and I would be grateful if he would allow me to respond. There is a strategy; I have made that very clear. And that strategy will unfold when the appropriate announcements are made most specifically by the company. The honourable member is aware that an EIS is being undertaken at this stage. I have already outlined this matter—and we are looking at three matters. If the honourable member wishes to further this debate by grandstanding, he is quite able to do so.

The Hon. D.C. WOTTON: Many of the representations I have received referred specifically to Apcel and Lake Bonney. It is obvious that there are strong feelings about this matter and I want to put on record that those feelings exist. I have had no difficulty explaining the situation in which the Opposition finds itself. An assurance was given by this Parliament on a previous occasion that these people will be protected and it is appropriate that that protection should continue under the indenture. There is strong feeling: I acknowledge that. The strong feeling also applies to the responsibility of the Minister and the Government, particularly under this legislation now that the Crown is bound. It is obvious that the community is looking for the Government to play a greater role and this is what we request of the Minister. If the hour was not so late, I would expand on this matter but I hope that the Minister understands her responsibility and the responsibility of the Government under this legislation. That is what the community is looking for.

The Hon. S.M. LENEHAN: I refer the honourable member to the latest indenture dated 1958 which was amended in 1964 and which provides:

> Section 5—Neither Apcel Limited nor Cellulose Australia Limited nor any other person or authority shall be liable for the discharge by either of those companies of effluent from its mills into a drain in accordance with the agreement or for the flow of such effluent from a drain directly or indirectly into any other drain or into Lake Bonney or the sea or for any consequences of such discharge or flow.

The indenture clearly states that neither the companies, nor the Government, nor the local council nor any other person is liable. Does the honourable member suggest that this is not correct, that the Government is somehow liable for the discharges from these companies? That is not the situation.

I share the honourable member's concerns about what is happening at Lake Bonney. I am very aware of the seriousness of this issue and of the problem and I have worked constructively with the company through the effective use of my officers who are working to establish ways in which we can clean up Lake Bonney.

I realise that the honourable member has criticised and trivialised the fact that I established a committee of local and departmental people to work with the management of Apcel. This committee is preparing a report about some of the ways in which the lake can be cleaned up. All this will be made available to the public. I made the matter very public when I established the committee and asked it to come up with solutions that could be implemented to improve the quality of water in Lake Bonney and, therefore, the quality of water in the marine environment.

I believe that we behaved responsibly. Nobody is happy with the fact that these indentures exist in terms of some of the conditions that apply under them. However, it is my

understanding that the Opposition is not suggesting—and I hope that it will make this fact clear to me—that we should tear up the indenture. We will work positively and constructively with the company. Of course, at the end of the day, if the company flagrantly flouts these attempts, this Parliament will have the opportunity to take other action. I do not believe that will be necessary. I believe that the company has demonstrated its wish to clean up its act—to use a cliche—and, until we can prove otherwise, I am prepared to continue working positively and in a cooperative way with the company.

The Hon. H. ALLISON: I listened with some amazement to the Minister's absolute denial of responsibility for Lake Bonney, bearing in mind that each of the indentures actually quotes a sum of money in the then denomination of pounds. I am quite sure that the Minister will find that the indentures provided for a sum of money which the Government accepted in order to assume full responsibility for the effluent once it left the boundaries of the factory.

I repeat, I do not like people to be sarcastic to me during debate and I commented in this regard to the Minister only a few weeks ago. Sarcastic people show that they are witty but, as George Bernard Shaw said, 'Sarcasm is the lowest form of wit'. So, I simply say that the intention of the Opposition is not to destroy these companies but to protect their rights, and the Minister has shown that she intends to do that by inclusion of the indentures in the Bill.

The companies have received very little real credit from the Minister. I point out that they have spent tens of millions of dollars over the past two decades in reducing the level of solids entering the lake. There is a chemical component, sodium ligno-sulphonate, which I mentioned yesterday. There were allegations from other political critics of the company that dioxins may be emitted and may be deadly and present in the lakes, and that other chemicals from the pines may be present. I referred to the turpenes, and there are literally dozens of chemical derivatives from the pines. All these chemicals are present in the lakes in diminishing quantities.

The Minister simply cannot totally absolve herself and the Government from blame when the Government itself contributed towards the increasing potency of the pollutants in the lake by lowering the level of the lake considerably as a result of the cutting into the lake by the previous Minister and also by the Minister's own actions. I think that the Minister intends to annually lower the level of the lake when there is any risk of farmland flooding. On the one hand she says that she has the right to take these actions which are detrimental to the lake; yet, she is denying that she has any responsibility at all. I asked the Minister whether she has any long-term strategy should there be any default on the part of the company or, as has occurred in previous years, should the company express intent to expand considerably. I understand that one of the two paper mills in the south actually transferred to Maryborough in Victoria. So things do happen in industry. What long-term plans does the Minister have?

The Hon. JENNIFER CASHMORE: The Minister's responses, and lack of response, constitute, in my opinion, a complete denial of responsibility for the legislation or for her role in it. It is about time there was a little bit of intellectual rigour on the other side in terms of the application of the purpose of the Bill to the responses of the Minister on this clause. We hear a lot of comforting noises—or supposedly comforting noises—that strategies are in place. That is absolutely meaningless rhetoric unless the nature of the strategies are outlined to the Committee. We are told—and we have the word of the member for Mount Gambier on it—that the company is working positively and constructively. But, we are not told how.

The fact of the matter is that this paper mill is one of the worst polluters in the State and it is being exempted from the operation of legislation to protect the marine environment. The indenture is an agreement between the company and the Crown, the Crown is bound by the Act, and all the Minister can say is that strategies are in place. That is simply not good enough.

In light of the information that the member for Mount Gambier has given to the House in relation to the Minister's action in, in fact, reducing the lakes' capacity to dilute the pollutants, the Crown has a very heavy responsibility in this. I would think that any responsible citizen and particularly any conservationist reading this debate would hardly be able to believe that the Government is deliberately exempting one of the worst polluters in this State. We are asked to believe, particularly in light of a later clause in the Bill which relates to the suspension or cancellation of licences and which foreshadows activities that are having a significantly greater adverse effect on the environment than was anticipated at the time of the granting of the licence (and that perfectly sums up the situation of the pulp and paper mill), that everyone else has to abide by that provision but that this company is to be exempt. Apart from a few constructive and comforting noises, the Government is doing nothing about it. That is simply not good enough. It may have been good enough in 1958 and 1960 and possibly in 1970, but it is not good enough in 1990.

The Hon. D.C. WOTTON: I concur in what the member for Coles has said. I do not know whether the Minister realises how much concern there is in the community. I shall refer to one of the submissions that I received on this occasion in relation to this Bill. This submission is from the Marine Life Society of South Australia—a very well recognised organisation. The second point that is raised in that submission indicates:

> Paragraph 5 (3) specifically exempts Apcel Paper Mills from the provisions of the Act. The enormous amount and the extremely toxic nature of the pollutants released into the environment by this company would make this exemption not only inappropriate, but scandalous. It is our opinion that the Apcel company should be one of the first to be bound by the provisions of the Act, not given undeserved privilege.

The Opposition has already indicated that it does not believe that the indenture can be torn up. I have had no difficulty in explaining that to people who have contacted me, including the Marine Life Society and many others. For the Minister to say that there are strategies in place but to be able to provide no further information for the Committee, for this Parliament or for the community generally to understand what role the Government is playing, what it has in mind and what responsibility it is accepting in this matter is absolutely scandalous, and I am sure that the community will recognise it as just that.

Clause passed.

Clause 6—'Discharge, etc., of prescribed matter.'

The CHAIRMAN: Both the Minister and the member for Heysen have amendments to alter the penalty in this clause. The amendments differ only in the amount of the penalty. Under Standing Order 363 it is necessary for the amendment involving the lower figure to be taken first.

I will therefore ask the Minister to move her amendment, and the member for Heysen to move his. I will put the question on the Minister's amendment first. If her amendment is agreed to, the member for Heysen's amendment will not be proceeded with. If her amendment is not carried, the question will then be put on the member for Heysen's amendment. I trust that is in conformity with the Com-

mittee's wishes. Therefore, I call the Minister to move her amendment to clause 6.

The Hon. S.M. LENEHAN: I move:

Page 3—
Line 22—Leave out 'Division 1 fine' and insert '$100 000 or division 4 imprisonment, or both.'.
Line 23—Leave out '$100 000' and insert '$500 000,'.

When the Bill came before Parliament at the end of October last year I made it clear that, along with other Ministers involved in the ANZEC Ministers Council, I was very keen to see national penalties applied throughout the country. In fact, it was interesting that the New Zealand Minister at that time also agreed that it was important and that New Zealand would be moving to penalties on a national level when they were set.

I did not seek to move any amendments then, because I hoped that, by the time the Bill came back, because of the impending election, the ANZEC Ministers Council would have established what those national penalties and national standards for discharge would be. At the recent ANZEC Ministers Council, however, it was decided that that decision would be taken at the July conference. Therefore, we do not have the absolute standards and penalties in place for the nation.

I believe it is important to accept this level of penalty, firstly, because Victoria has that level of penalty. I understand that preliminary investigations by the officers servicing the ANZEC council showed that the standard will be somewhere around the $500 000 mark, which will be accepted at a national level, or it may be a little higher. I want to make it clear and put on the public record that we will be moving to whatever penalties are agreed to at the national level, and if they are higher than that I shall be delighted to move to that level. I do not think that we are in the business of conducting an auction. It was discussed clearly, openly and frankly at the last ANZEC Ministers Council that there was concern that Ministers from the various States were rushing out saying, 'I am greener than you are; my penalties are greater than yours. We will go for $1 million. No, maybe we will up the ante and we might go far over $1 million. Why don't we go for $1 billion? Why don't we go right over the top?'

It was decided by Ministers that this was not the appropriate approach. The major consideration was to have sufficiently strong penalties that would be consistent throughout the country to deter companies from playing one State off against another. It was interesting to note that New Zealand was very keen to ensure that it had the same penalties so that it could not play one country off against the other across the Tasman.

I am concerned that we do not get into some kind of an auction where people's credentials are established purely on what is the greatest penalty. The whole thrust and import of this Bill is prevention—to prevent pollution occurring and not to try to make people feel good after the event. I believe that a penalty of $500,000 on a corporation and $100,000 on an individual is an indication of this Government's commitment and the seriousness with which we take this legislation. I think that to move to $1 million at this point is prejudging what the ANZEC Ministers will come up with. I have given a commitment to those Ministers, including Ministers of other political persuasions, that we will accept the national standards, and I intend to do that.

I therefore ask the Committee to support the penalties on the proviso that, as soon as the national penalties have been agreed to by all State Ministers, the Federal Minister and the New Zealand Minister, we will move to that level of penalty. I do not believe it will be less than $500,000—I think it will be $500,000 or perhaps something slightly more than that. Victoria has this penalty and I am told that Western Australia is happy to move to this penalty also. Therefore, I believe it is important that we maintain what can be seen to be a very strong penalty and a commitment to the legislation, without having to reduce a penalty because of the agreement of the other States.

The Hon. D.C. WOTTON: We do not agree with the amendment put forward by the Minister. I move:

Page 3, line 22—Leave out 'Division 1 fine' and insert '$150 000 or division 3 imprisonment, or both'.

We will have the opportunity later to talk about the larger fine. I do not think I will say any more at this stage, because I want to be able to make a considered comment when we debate the larger amount. I urge the Committee to support my amendment. I will speak at length about this when we refer to the corporate fine when that opportunity arises.

The Hon. S.M. Lenehan's amendment carried.

The CHAIRMAN: The member for Heysen's amendment will therefore not be put.

The Hon. S.M. LENEHAN: I move:

Page 3, line 23—Leave out '$100,000' and insert '$1,000,000'.

The intent of the Bill is to prevent pollution. One can look at the kinds of penalties that we are looking at in concert with the underlying principle contained in this legislation, which is that any company that contravenes its licensing conditions will be called upon to make restitution for any damage to the environment.

In fact, that restitution provision could run into many millions of dollars. That is the guts of this legislation and will be the determining factor on anyone who pollutes. However, I am not prepared just to say that we should look at that only. As I have said, we are moving to a penalty of $500 000 in lieu of the national standards being set for all States and the Commonwealth.

The Hon. D.C. WOTTON: I move:

Page 3, line 23—Leave out '$100 000' and insert '$1 000 000'.

It is most interesting to hear the Minister say that she has come back from the Ministers' conference where there has been discussion about national standards and the level of penalties, and that, because of those discussions, the Government has decided to go for $500 000. I find that incredible because I do not know exactly how long it has been since the Minister arrived back from that conference but I am sure that she has had plenty of opportunities to amend the Bill prior to this stage. It was pointed out all along that the Government was prepared to stick to $100 000. We now find that, when the Minister recognised that there were amendments in the Committee to increase the penalty to $1 million, the Government decided to increase the penalty to $500 000. That is not good enough.

I agree with what the Minister is saying about the need for national standards but why in the world cannot South Australia join New South Wales and go to the highest? Why cannot we set an example of the importance of the legislation? It is a maximum penalty. It does not mean to say that, for more trivial problems, we are looking at a $1 million fine. Such a fine is appropriate because of the importance of the legislation. We have continued to say that through this debate and, for that reason, I strongly urge the Committee to support the amendment to raise the penalty to $1 million. I believe that that is essential, recognising the importance of this legislation.

Dr ARMITAGE: I support the member for Heysen's amendment. Whilst both amendments seek to penalise people who, willingly or otherwise, seek to pollute our waterways, I believe that penalties should be just that—penalties. The Minister mentioned that penalties should have a deterrent effect and I am a believer in fines being a deterrent. It

has been proven before with on-the-spot litter fines that they do work and these penalties for polluters of our marine environment will be deterrents.

The Minister said that she wants to stop companies playing one State off against another. Logic determines that, to stop companies playing one State off against another, all States must have penalties at the highest level. It is absolutely pointless for us, on a logical basis, to say, 'Let's stop companies playing one State off against another', without having similar high penalties.

I stress that the penalties must be high because it is a fact of life that for some multi-million dollar companies, unless the fine is high, it is not a major problem for them. I accept the Minister's intimation regarding the moves to have penalities decided on a national level, but let South Australia take the lead. Let us indicate the seriousness with which we believe this offence ought to be viewed. Let other States meet us at a higher level of penalty. I stress again, if we logically look at what the Minister said, that we wish to stop companies playing one State off against another, we have no alternative but to accept the amendment of the member for Heysen.

The Committee divided on the Hon. S.M. Lenehan's amendment:

Ayes (22)—Messrs L.M.F. Arnold, Atkinson, Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Noes (22)—Messrs Allison, Armitage, P.B. Arnold, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton (teller).

Pair—Aye—Mr Bannon. No—Mr D.S. Baker.

The CHAIRMAN: There being an equality of votes, I give my casting vote for the Ayes.

Amendment thus carried.

The CHAIRMAN: Order! The amendment of the honourable member for Heysen will not therefore be proceeded with.

The Hon. D.C. WOTTON: I move:

Lines 24 to 28—Leave out subclause (2) and insert—

(2) Subsection (1) does not prevent a person from discharging, emitting or depositing matter into a sewerage or similar system operated by a public authority if the matter is discharged, emitted or deposited into the system in accordance with the law governing that system.

I seek to amend the clause in this manner because of the obvious confusion that exists in the community. The Minister has explained that the Crown is bound but a number of organisations have suggested to me that subclause (2) provides an exemption for the E&WS Department. If one reads the clause as it stands in the legislation at present, it is extremely confusing and I have sought to have this provision rewritten so that it is more easily understood. With that in mind, I guess it means exactly the same but it is easier to understand and I would urge the Committee to support it.

The Hon. S.M. LENEHAN: I am happy to accept this amendment. Obviously the intention of clause 6 (2) was not to exempt the E&WS Department. It was intended that we would not have to require every toilet bowl in the State to be licensed. I am happy to accept the amendment because it makes it a little clearer. If people are confused, I am quite happy to accept the amendment.

Amendment carried; clause as amended passed.

Clause 7—'Production or disturbance of prescribed matter.'

The Hon. S.M. LENEHAN: I move:

Page 4—

Line 1—Leave out 'Division 1 fine' and insert '$150 000 or division 3 imprisonment, or both'.

Line 2—Leave out '$100 000' and insert '$1 000 000'.

Amendments carried.

Mr BRINDAL: Can the Minister explain what a prescribed activity is? I cannot find any other reference to it or any definition.

The Hon. S.M. LENEHAN: The prescribed activities would be picked up in the regulations, but we are thinking of such things as agriculture-type activities, referred to by the member for Eyre on a number of occasions.

Mr BRINDAL: Clause 7 *(b)* refers to:

. . . prescribed matter present on or in the bed or declared inland waters or coastal waters is disturbed and brought into circulation in those waters.

Has the Minister considered the situation in respect of the harbour at Port Pirie and, probably, Whyalla in relation to which, when this legislation comes into force, the Minister will almost certainly declare that heavy metals are prescribed substances, those heavy metals being present on the ocean floor? In some cases, boats going into Port Pirie or Whyalla harbour have less than six inches of clearance. The action of their propellers will therefore disturb the ocean floor and bring those contaminants into circulation. Under this Act the Department of Marine and Harbors or some aspect of the Crown would be liable. Has the Minister considered that, and what does she intend to do about it?

The Hon. S.M. LENEHAN: As some members said during the debate, these things will be resolved by applying commonsense. It is not our intention to stir up the kinds of substances to which the honourable member has alluded and, obviously, this is something that will need to be looked at in conjunction with activities carried out in the particular harbours to which the honourable member refers. The departments are certainly looking at these aspects, and they will be considered under the Bill, but I should like to think that commonsense will apply.

The whole aim of the legislation is to prevent further marine pollution. The legislation contains no retrospective provisions. Some of the substances that have been deposited in harbours are substances that would not be permitted with the knowledge we have now, but I do not think that trying to tease out every possibility and looking at who might or might not be responsible will further the debate. I take the honourable member's point, and this is something the departments will be looking at.

Clause as amended passed.

Clause 8—'Installation or construction of certain equipment, structures or works.'

The Hon. S.M. LENEHAN: I move:

Page 4—

Line 13—Leave out 'Division 1 fine' and insert '$100 000 or division 4 imprisonment, or both'.

Line 14—Leave out '$100 000' and insert '500 000'.

Amendments carried.

The Hon. JENNIFER CASHMORE: During my second reading speech I referred to the rare earths plant of SX Holdings at Port Pirie and the representation I have had from a number of people in that city expressing concern about the likelihood of pollution through flooding by heavy rain and high tides. This clause relates to the installation or construction of certain equipment, structures or works and provides that a person must not install, or commence the construction of, any equipment, structure or works designed or intended for discharge, emission or depositing of prescribed matter as referred to in Division 1, or for an activity,

also presumably prescribed, except as authorised by a licence under this Act.

I do not know enough about the rare earth plant to know whether there is to be any discharge. However, the points made in correspondence to me about the possibility of pollution as a result of flooding and high tides are obviously relevant to this clause and it seems the most appropriate time to ask the Minister to advise the Committee about the situation in relation to the rare earth plant and its licence. Will it be subject to this legislation and, if so, what protection will be built into the licence?

The Hon. S.M. LENEHAN: For the benefit of the Committee, I will explain that, in fact, stage 3 of the rare earth plant at Port Pirie will undergo an EIS and such factors as potential flooding and things like that will, of course, be made public. Quite obviously, if there was a potential for flooding, appropriate funding would have to be put in place. I cannot give the honourable member a definitive answer as I do not have the brief on the Port Pirie Rare Earth Plant in front of me.

Certainly, no stone has been left unturned in terms of looking at a range of issues that have been raised. Some of them have been quite legitimate issues and others, I would suggest, have been simply an attempt to prevent this plant going ahead. I can give the Committee an assurance that it is the department's intention that every safety precaution will be undertaken. If the EIS for stage 3 indicates that the plant cannot proceed because of a number of safety and environmental issues, that will be the case. I have made that clear publicly, both in Port Pirie and in the general community in South Australia.

Clause as amended passed.

Clause 9—'Application for licence.'

Dr ARMITAGE: I wish to make one pedantic point but, nevertheless, it is important in legislation such as this. Subclause (2) provides:

> . . . the Minister may, by notice in writing, serve on the applicant . . .

It just does not make sense. I am certain that the second comma should be omitted and it should read as follows:

> . . . the Minister may, by notice in writing served on the applicant not later than two months after the application is made, require the applicant to furnish . . .

The clause as it stands does not make any sense, and I am sure the Minister would want to change it.

The Hon. S.M. LENEHAN: I will take advice on where the comma should be. In the interests of moving on, we can arrange to have the comma put in the correct place before the Bill arrives at the other place.

Clause passed.

Clause 10 passed.

Clause 11—'Licence conditions.'

The Hon. S.M. LENEHAN: I move:

Page 5—

Line 12—Leave out 'Division 1 fine' and insert '$100,000 or division 4 imprisonment, or both'.

Line 13—Leave out '$100,000' and insert '$500,000'.

Amendments carried; clause as amended passed.

Clauses 12 to 17 passed.

Clause 18—'Exemption.'

The Hon. D.C. WOTTON: I move:

Pages 6 and 7—Leave out this clause.

My amendment seeks to remove the whole clause relating to exemptions. Strong representations which I have received and with which I concur suggest that there is no need for exemptions to be provided. It is strongly believed that there is not a need for exemptions to be provided, except in emergency situations. As the Bill stands now, it clearly sets out that licences are to be granted on an annual basis and, provided the opportunity is there in emergency circumstances for an exemption to be provided, both the Opposition and I believe that it is not necessary for general exemptions to be provided. The Minister has received many of the same representations and would be aware of the points raised in respect of this clause. I urge the Committee to support the amendment.

The Hon. S.M. LENEHAN: I am aware of some of the arguments advanced. It was suggested to me that they were not concerned about my actions as Minister but perhaps those of a subsequent Minister with a different view. The argument is a little tenuous. It is desirable to retain the provision for unforeseen circumstances and, for example, the most likely would be in the case of a genuine accident which did not have much impact at all. I draw the attention of the honourable member to the fact that the exemption is sought for a non-recurring or non-continuing activity. It is important as it allows some flexibility. It allows for a one-off licence to cover the situation which I have just referred to and, therefore, I oppose the amendment.

The Hon. D.C. WOTTON: I do not want to go into the question in great detail, but the opportunity is there for an exemption to be provided in emergency circumstances in any case. If it is not, I would like to look at the Bill between now and its introduction in another place so that appropriate amendments can be made. If there is an emergency, I cannot see why a licence cannot be provided in those circumstances. Recognising the concern that this provision may be abused, I can see no reason why it should remain in the Bill. Opportunity exists in the Bill to deal with emergency circumstances.

The Hon. S.M. LENEHAN: This clause, which takes into account the whole question of emergency procedures, is carefully couched in such a way that the Minister must take into account a whole range of procedures. I believe that it provides the flexibility to cover any one-off situation which will not have a permanent or very serious impact on the environment. I move:

That Standing Orders be so far suspended as to allow the sittings of the House to extend beyond midnight.

Motion carried.

Mr LEWIS: I am a bemused bystander who hears the Minister saying that some accidents are genuine. That is a kind of tautology. Does the Minister mean that other accidents are not genuine? What is an accident? I would have thought that it is a matter for the Government's inspectorial staff to decide whether or not to prosecute. I am quite sure that every day a large number of offences that are committed under the Road Traffic Act go unreported and undetected and of those that are detected not all are reported.

The Minister does not need clause 18. The member for Heysen has made the case well for the removal of this provision. It is not necessary for the Minister to be able to legally pork-barrel, which is exactly what this clause is all about. It is okay to give your mates an easy ride and make them exempt. That is what this clause allows with no debate. Some people who do things are allowed to do them because the Government says that it is okay; other people who do the same things are not allowed to do so because the Government says that it is not okay.

This is a classic situation in which Governments are tempted to exercise their discretionary powers to the point where members of the general public become cynical. They think that as long as they have mates in the Government they will be able to get favours. This is the worst kind of provision in any legislation where people are required to behave in a certain way but are provided with the means by which they can avoid having to do so in favoured

circumstances. The word 'favoured' must be used in situations to which this clause would apply. 'We will do you a favour.' I wonder what the return favour would be and why the Minister would want to include the provision in the first place, because it does provide the temptation, if not for her then at least for her successors.

The Hon. S.M. LENEHAN: I reject totally the imputation in the honourable member's question. This clause provides a once-off exemption, not a recurring exemption. It does not give mates favours. It is an exemption where a particular company can foresee that it may have to make a discharge for a particular reason that will only happen once. The qualifications are very clearly—

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: Can I finish? I did not interrupt you. The qualifications are clearly outlined in this clause. It provides for a once-off discharge. If we call it a once-off licence perhaps the honourable member would be happier. This provision is for companies that do not need a licence because they will not be discharging regularly. 'Continuing' and 'recurrent' are the words used. It is merely a provision to cope with a most unusual circumstance.

It has nothing to do with any sort of favour. That is absolute nonsense. I cannot understand why the honourable member would want to introduce that argument into the debate. The clause provides for companies that do not need an ongoing licence but might need a licence for a once-off discharge that will not adversely affect the marine environment.

The CHAIRMAN: I point out that the Chair is allowing wide-ranging debate on this one amendment on the assumption that members will not similarly avail themselves on the main part of the clause.

The Hon. D.C. WOTTON: I do not accept what the Minister is saying in regard to this clause. It is not my intention to call 'Divide'. However, we take the matter very seriously and we will consider what action should be taken in another place in regard to this clause.

Amendment negatived.

The Hon. S.M. LENEHAN: I move:

Page 7—
Line 12—Leave out 'Division 1 fine' and insert '$100 000 or division 4 imprisonment, or both'.
Line 13—Leave out '$100 000' and insert '$500 000'.

Amendments carried.

Mr BRINDAL: I disagree slightly with the point of view put by the member for Murray-Mallee. Clause 15 (2) *(a)* provides:

The Minister may not—
(ii) grant a licence authorising the discharge, emission or depositing of matter of a prescribed kind;

Is it the Government's intention to grant exemptions only for an incident that is unique? What happens if the Minister prescribes some matter, like cadmium, and we have a situation which the Minister knows we can easily have where an authority can lower its emissions of a prescribed substance, like cadmium, but cannot get it down to zero? I may be wrong, but I do not believe there is any exemption in this Bill. If the Minister prescribes cadmium or another heavy metal and we have a situation comparable with that of BHAS, where it can get down to a very low level of discharge but not to zero, will that not render it in breach of the Act?

The Hon. S.M. LENEHAN: The whole thrust of the Act is that standards will be set. In the case of something like cadmium, they will have to get it down to the level that was set in terms of the level appropriate for that receiving water. I do not know whether that is the answer that the honourable member was looking for, but that is the situation. We are not going to prescribe or exempt substances such as cadmium. The whole intent of the Bill is to remove substances which we consider to be toxic and severe pollutants to the marine environment.

Mr BRINDAL: I accept what the Minister is saying, but I am seeking to help. I cannot see in the Bill an allowance for a level of a prescribed substance. The Bill says that, if a substance is prescribed, it cannot be discharged. That means that, if cadmium is prescribed, it cannot be discharged at any level. I accept what the Minister is saying and I realise what the intent is, but the point I am trying to make is that, as the Bill is worded, if cadmium is a prescribed substance it will be unlawful to discharge cadmium in any concentration.

The Hon. S.M. LENEHAN: The answer is unless it is authorised by licence. If a licence is granted, there would be prescribed limits that the discharger would have to meet. That is the whole intention of the Bill.

Mr LEWIS: For the benefit of the member for Hayward, he does not disagree with me in the slightest degree. What he is drawing attention to is something—

The Hon. Ted Chapman interjecting:

The CHAIRMAN: Order! I am having difficulty in hearing the honourable member because of the member for Alexandra. I ask the member for Alexandra to cease interjecting.

Mr LEWIS: The member for Hayward has more lucidly put the point that I was making. This exemption provision is about as sensible as the ALP's three uranium mine policy: so long as it comes from some holes it is acceptable, but not from others.

Clause as amended passed.

Clause 19—'Notice to be published of action relating to licences or exemptions.'

The Hon. S.M. LENEHAN: I move:

Page 7, line 18—After 'granting' insert 'or refusing'.

I hope that the Opposition will accept this amendment. What I am asking is that we amend the clause to read 'granting or refusing a licence'. In other words, we are asking that we publish the action relating to the licence or the exemptions.

The Hon. D.C. WOTTON: We accept the amendment.

Amendment carried; clause as amended passed.

Clauses 20 and 21 passed.

Clause 22—'Powers of inspectors.'

Mr GUNN: I have waited with great patience for this moment. I move:

Page 10, after line 45—Insert subclause as follows:
(10) An inspector, or a person assisting an inspector, who—
(a) addresses offensive language to any other person; or
(b) without lawful authority or a reasonable belief as to lawful authority, hinders or obsructs or uses or threatens to use force in relation to any other person,
is guilty of an offence.
Penalty: Division 6 fine.

I do not think it is necessary to explain the amendment, which has been accepted on a number of occasions in this place and which I think is essential for the proper working and functions of this legislation. I intend to move a similar amendment to every Bill containing similar provisions that comes before this place.

Amendment carried; clause as amended passed.

Clause 23 passed.

Clause 24—'Directions where contravention of or non-compliance with Act.'

The Hon. S.M. LENEHAN: I move:

Page 11, line 37—Leave out 'may do one or more of the following' and insert 'must do such of the following as the Minister considers necessary or appropriate in the circumstances'.

This amendment will make the legislation much stronger; there is no discretion. The Minister must do one of the things mentioned. I hope that the Opposition will support the amendment.

Amendment carried.

The Hon. S.M. LENEHAN: I move:

Page 12—
Line 7—Leave out 'Division 1 fine' and insert '$100 000 or division 4 imprisonment, or both'.
Line 8—Leave out '$100 000' and insert '$500 000'.

Amendments carried; clause as amended passed.

Clause 25—'Review of decisions of Minister.'

The CHAIRMAN: There is a clerical correction to subclause (5)*(c)* at page 12, line 34; I propose to change the word 'appeal' to the word 'review' to ensure consistency with the clause.

Clause as amended passed.

New clause 25a—'Marine Environment Protection Fund.'

The Hon. D.C. WOTTON: I move:

Page 13, after line 11—Insert new Part as follows:

PART IVA
MARINE ENVIRONMENT PROTECTION FUND

25a. (1) The Marine Environment Protection Fund is established.

(2) The fund must be kept at the Treasury;

(3) The fund is to consist of the following money:

(a) all licence fees paid under this Act;

(b) all penalties recovered in respect of offences against this Act;

(c) any money appropriated by Parliament for the purposes of the fund;

(d) any money received by way of grant, gift or bequest for the purposes of the fund; and

(e) any income from investment of money belonging to the fund.

(4) The fund may be applied by the Minister (without further appropriation than this subsection):

(a) for the purposes of any investigations or research into matters relating to the marine environment or its protection; or

(b) for the purposes of public education programs in relation to the marine environment and its protection.

(5) The Minister may, with the approval of the Treasurer, invest any of the money belonging to the fund that is not immediately required for the purposes of the fund in such manner as is approved by the Treasurer.

This amendment establishes the Marine Environment Protection Fund. I believe that it is necessary for such a fund to be established. The major reason for the establishment of the fund is so that any investigations or research into matters related to the marine environment or its protection can be funded. It also relates to public education programs on the marine environment and its protection. It is essential that funding be provided for these measures.

There is a need for education within the community and for research. I do not believe that the Minister could object to that notion. We suggest that the funds from licences and prosecutions go into the fund. This concept has been sought by a number of organisations and I commend the amendment to the Committee.

The Hon. S.M. LENEHAN: I oppose this amendment. I believe that the purposes of the fund as contained in subclause (4) of the proposed new clause are far too restrictive. Everything relating to the Act goes into the fund: all the licence fees, all the penalties recovered, any moneys that are appropriated by Parliament, and moneys by way of grants, gifts, etc. It could only be used for two purposes, namely, public education programs and research. What about such things as the payment of staff? It has always been intended that the payment from licences would fund the inspectorial staff, and that is important.

In addition, it does not pick up any ability to pay restitution where, for example, companies, because of their financial structure, are not able to make restitution because they end up being bankrupt. It would seem to me that, if such a fund were in place, restitution would be part of it, as would be the flexibility to implement pilot activities. It might be appropriate in the Port Adelaide area, for example, to institute a number of pilot studies or activities which have the benefit of cleaning up the marine environment. The purposes for which this fund is proposed are far too restrictive but, I guess, it is one of the things that could be looked at in the Upper House. For the reasons that I have stated, at this stage I will oppose the amendment.

The Hon. D.C. WOTTON: Does the Minister support such a fund being established?

The Hon. S.M. LENEHAN: I would need to discuss this matter with my Cabinet colleagues before committing myself to this proposition. I only saw this measure this morning and I have not paid my Cabinet and Caucus colleagues the courtesy of discussing it with them, and I would like to do that. In terms of any discussion about such a fund, I have grave concerns about very restrictive applications of what could be a very substantial amount of money. While I think that public education is important, in 25 years time we may not need to pour vast amounts of money into education.

Indeed, by restricting the fund to investigations or research specifically relating to matters of the marine environment and its protection, in the fullness of time it might be appropriate to look at a number of other more flexible and appropriate programs. I really think that this is too restrictive and, therefore, in answer to the honourable member's question, I say that I would like some time to consult with my Cabinet and Caucus colleagues, as well as with the department and Treasury.

The Hon. D.C. WOTTON: I am disappointed in the Minister's response. Either she accepts the setting up of the fund or she does not. It is certainly something that we will consider as far as the Upper House is concerned. When the Minister states that the provisions are too narrow and that, in a few years time, we might not need to educate as is the case now, for heaven's sake, surely Parliament will sit and, if necessary, an amendment could be moved. I think that is weak. I indicate to the Minister that the Opposition is very supportive of the establishment of such a fund and, if the Minister is not prepared to accept this amendment, a similar amendment will certainly be moved in another place.

The Hon. JENNIFER CASHMORE: I support the amendment. Whilst I take the Minister's point with respect to the allocation of all moneys to the fund, that does not in any way derogate from the merit of the amendment. The Minister and other members would be aware of the extremely successful operation of the quarry restoration fund, although that may not be its correct title. The principle behind that fund is the same as the principle behind this fund. It has been extraordinarily successful and its function could well be applied in this area.

As to the Minister's remarks about the need for education possibly diminishing as time goes by, it may well do but, in the course of the next 20 years, Parliament will sit regularly and, if that is the case and if the fund becomes superseded as a result of changing attitudes, Parliament can take the necessary action. As the member for Heysen has said, the value of the proposal is, in the opinion of the Opposition, undoubted and we will pursue the idea in another place.

The Committee divided on the proposed new clause:

Ayes (22)—Messrs Allison, Armitage, P.B. Arnold, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton (teller).

Noes (22)—Messrs L.M.F. Arnold, Atkinson, Blevins, Crafter, De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Pair—Aye—Mr D.S. Baker. No—Mr Bannon.

The CHAIRMAN: There being an equality of votes, I give my casting vote for the Noes.

Amendment thus negatived.

New clause 25a—'Annual report to contain certain matters.'

The Hon. S.M. LENEHAN: I move:

Page 13, after line 13—Insert new clause as follows:

25a. The annual report prepared pursuant to the Government Management and Employment Act, 1985, on the operations of the administrative unit that is, under the Minister, responsible for the administration of this Act must contain a summary of—

(a) every allegation or report (whether of an inspector or otherwise) of any contravention of, or failure to comply with, this Act;

(b) the investigative or enforcement action (if any) taken in response to each such allegation or report and the results of that action;

(c) if no such action was taken in any particular case—the reasons why no such action was taken.

This gives effect to the publishing of the annual report pursuant to the Government Management and Employment Act on the operation of the administrative unit. It provides the public with information and, I believe, is a form of public accountability. I would hope that the Opposition supports the amendment.

The Hon. D.C. WOTTON: We support the amendment. We have sought in this legislation to have the community supplied with information on an ongoing basis and the Minister has refused that. The report once a year is better than nothing, but it is certainly not acceptable as far as the Opposition is concerned. We have already been through this debate and I do not intend going through it again. We are looking for the public to be kept up to date on an ongoing basis, not just once a year through an annual report. As I have already indicated we will be looking at that situation later in another place.

The Hon. S.M. LENEHAN: I remind the honourable member that there is a register, and every time there is an exemption or licence granted, that will be available. There will be ongoing information shared throughout the community for people who are interested.

New clause inserted.

Clauses 26 and 27 passed.

Clause 28—'Confidentiality.'

The Hon. S.M. LENEHAN: I move:

Page 13, line 28—After 'information' insert 'relating to trade processes'.

Both the Opposition and I have the same amendment.

The Hon. D.C. WOTTON: It seems rather remarkable that this is the case but we support the amendment and, in fact, we were very keen to have this amendment introduced at an earlier stage.

Amendment carried; clause as amended passed.

Clauses 29 and 30 passed.

Clause 31—'Evidentiary provisions.'

The Hon. D.C. WOTTON: I move:

Page 14, after line 17—Insert new paragraphs as follows:

(f) the results of an analysis carried out by a person appointed by the Minister as an analyst for the purposes of this Act;

or

(g) the quantity of a discharge or emission.

The amendment is self-explanatory and I ask the Committee to support it.

The Hon. S.M. LENEHAN: I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 32 to 34 passed.

Clause 35—'Proceedings for offences.'

The Hon. S.M. LENEHAN: I move:

Page 15, line 16—Leave out 'a division 1 fine' and insert '$100 000'.

Amendment carried; clause as amended passed.

Clause 36—'Order for ameliorative action, compensation, etc.'

The Hon. S.M. LENEHAN: I move:

Page 15—

Line 46—Leave out 'Division 1 fine' and insert '$100 000 or division 4 imprisonment, or both'.

Line 47—Leave out '$100 000' and insert '$500 000'.

Amendments carried; clause as amended passed.

Remaining clauses (37 and 38) passed.

Schedule 1.

The Hon. S.M. LENEHAN: I move:

Page 17—Leave out from subclause (2) '15 years' and insert 'eight years'.

The CHAIRMAN: As the member for Heysen and the Minister both have amendments to the period of years in the transitional provisions, under Standing Order 363 it is necessary for the amendment involving the lower figure to be taken first. Accordingly, I will ask the member for Heysen to move his amendment. When the amendments are considered, I will put the member for Heysen's amendment first, since it involves the lower figure.

If that is agreed to, the Minister's amendment will not be proceeded with. If the member for Heysen's amendment is not passed, the Minister's amendment will be put.

The Hon. D.C. WOTTON: I move:

Page 17—Leave out from subclause (2) '15 years' and insert 'seven years'.

We propose to reduce from 15 years to seven years the time given for existing industries and statutory authorities to tidy up the situation. We believe it appropriate that seven years should be provided. In fact I feel pretty strongly that industry can get its act together within five years. The industries I have talked to collectively suggest that that is the case. I believe that the E&WS Department, for example, should be able to get its act together in five years, but we have given a couple of years leeway. I urge the Committee to support this amendment.

The Hon. S.M. LENEHAN: I will not support this amendment. Before I explain my reasons, I refer members to my second reading explanation where I said that it was expected that the majority of industries will be in compliance with the objectives within the period of 10 years, and longer periods of up to 15 years will be only required in exceptional circumstances. My officers have contacted companies around South Australia, and I have also considered at the substantial financial commitments. Members, including the member for Coles, raised the question of costs to the community for Government departments bound by this Act.

I believe that this situation can be achieved in eight years, but it will be very tight. There is a very significant financial commitment. We might well be talking about moving to an almost tertiary treatment of all effluent in Adelaide. That is an enormous financial commitment. In fact, much of the technology is still being developed throughout the world.

An honourable member interjecting:

The Hon. S.M. LENEHAN: We are talking about sludge out of the gulf by the end of 1993. Surely the honourable member knows the difference between sludge and effluent. Sludge and effluent are two totally separate things. Sludge out of the gulf involves one commitment; effluent is a totally different situation. It is a bit of a tragedy that the

Deputy Leader of the Opposition does not know the difference between sludge and effluent. I do not think that this is the appropriate time for me to give him a detailed analysis of the difference.

I believe that, in this case, it would be appropriate for the Opposition to rely on the Government's judgment. It is a financial commitment that must be made. It is very easy to pluck years out of the air and to say, 'Let us have seven years. No, let us have five.' In putting forward this eight year proposal, I have a commitment from Caucus and Cabinet that we can, in fact, do this. We are the Government, we will have to be moving to do it and I think it is appropriate that, as there are major financial commitments that the Government will have to make to ensure that we comply with the regulations, if the honourable member cannot produce any financial analyses to support his seven year proposal then I ask for his support of the Government's eight year proposal.

The Hon. D.C. WOTTON: I will not go to the wall on this. The Minister is saying that we should rely on the Government's judgment. There is not very much for us to go on. I am damned if I know how the Minister has arrived at the eight year term. I will not grizzle about the 12 months situation, and the Opposition is prepared to accept that.

The Hon. D.C. Wotton's amendment negatived; the Hon. S.M. Lenehan's amendment carried; schedule as amended passed.

Schedule 2 passed.

Clause 3—'Interpretation'—reconsidered.

The Hon. S.M. LENEHAN: I move:

Page 2, after line 26—Insert:

(3a) A declaration may be made under subsection (3) *(b)* in respect of waters in a specified place or area whether the waters are present there permanently or only occasionally and whether or not they are present when the declaration is made.

This is identical to the clause moved by the member for Heysen earlier in the debate. The Government agreed to have the clause redrafted and renumbered.

Amendment carried; clause as further amended passed.

Title passed.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

That this Bill be now read a third time.

The Hon. D.C. WOTTON (Heysen): As the Bill comes to the third reading, I indicate that the Opposition is disappointed in the stance taken by the Government in regard to this legislation. It is vitally important legislation. The Government has been pigheaded in its attitude to the legislation. I refer to a situation where only a matter of a few weeks ago the Minister was determined that the Bill should go through in the form in which it was presented to us. Since that time, and in very recent times, we have seen the Minister introduce her own amendments which have improved the legislation slightly in some areas.

They are all similar to amendments that were introduced by the Opposition and, again, I indicate that the Opposition will be taking the necessary measures to have amendments placed before the Upper House at the appropriate time. The Opposition is disappointed about the Bill as it comes to the third reading.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I thank all members for the contributions that they have made in relation to this important piece of legislation. I do not intend to go through the history of the legislation, except to say that this is the second time that the House has approved the fundamental principles of protecting the marine environment from point source discharge into that environment.

I believe that the Bill is strong. A number of things would highlight the fact that this is an excellent piece of legislation. The Opposition has not referred at any time to the whole question of restitution, which is one of the strongest aspects of the Bill, or to the fact that we are going to licence people who are discharging into our marine environment and that we are going to charge the Environmental Protection Council with the responsibility of having not just an advisory role but a much more important and stronger role than just advice. That is important.

The fact that I have indicated that we will be moving to national penalties and standards as soon as those penalties and standards are agreed to clearly puts on the public agenda where this Bill is going. Once the Bill has passed through the Upper House we will be able to move to actually license those companies and Government agencies presently discharging into the marine environment.

The fact that we will have eight years to ensure that we clean up our marine environment and that the companies and Government departments in this State are now on notice that that is the time-frame within which they must move to introduce new technology and new processes is important. There are a number of salient features in the Bill but, given the lateness of the hour, I close by thanking all members for their contribution and I look forward to the legislation's passing through the Upper House.

Bill read a third time and passed.

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The Legislative Council requested that the House of Assembly give permission for the Premier, the Minister of Industry, Trade and Technology, the Minister for Environment and Planning, and members of the House of Assembly, to attend and give evidence before the Select Committee on the Redevelopment of the Marineland Complex and Related Matters.

FREEDOM OF INFORMATION BILL

Received from the Legislative Council and read a first time.

STRATA TITLES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

SUMMARY OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 March. Page 538.)

Mr INGERSON (Bragg): The Opposition supports this Bill in principle but it has a few areas of concern which will be raised in the Committee stage. Some specific amendments need to be made to protect the civil liberties of the community in general and to include some special considerations that will enable more protection to be given to the

community. This Bill authorises a senior police officer, of or above the rank of inspector, to establish a roadblock where he believes on reasonable grounds that such establishment would significantly improve the prospects of apprehending a person suspected of having committed a major offence or who has escaped from lawful custody.

The Minister's second reading explanation defines a major offence as an offence attracting a maximum penalty of life imprisonment or imprisonment for at least seven years, and we accept that. It is also noted that currently the police only have powers to stop a vehicle principally in the area of road traffic offences and where there is reasonable cause to suspect that a vehicle contains stolen goods, an offensive weapon or evidence of an offence. The power to search in South Australia is confined to this latter category.

I also note from the Minister's explanation that in 1987 the New South Wales Law Reform Commission released a discussion paper on police powers. That paper suggested that where reasonable grounds exist a police officer should have the power to stop and search a person or a vehicle in a public place. The Opposition supports this stance in principle. It is also noted that in the United Kingdom this general power exists for special emergencies.

The authorisation under this Bill applies for an initial period not exceeding 12 hours, but it may be renewed by a senior police officer for periods not exceeding 12 hours. A written record must be kept of the authorisation and a report made through the Commissioner of Police to the Minister after each 30 June. This report must be laid before both Houses of Parliament.

Before a roadblock is established, a member of the Police Force may stop vehicles, require a person in any vehicle to give their full name and address, search a vehicle and give reasonable directions for the purpose of facilitating a search and may take possession of any object found in the course of a search which the police officer suspects on reasonable grounds to constitute evidence of an offence by a person for whose apprehension the roadblock was established.

The Bill also enables a senior police officer of or above the rank of inspector to declare a particular area, locality or place as dangerous for a period of up to two days where the senior police officer believes on reasonable grounds that it would be unsafe for members of the public to enter a particular area, locality or place because of conditions temporarily prevailing there.

Any declaration that a place is dangerous comes into force when the declaration is made, but it should be broadcast as soon as possible by public radio or published in any other manner the senior police officer thinks appropriate. Presently the Commissioner of Highways has the ability, particularly in relation to roads, to declare a particular road unsafe and, consequently, prevent vehicles from using that road and causing damage to it. However, this power does not go far enough. Consequently, the Bill recommends that this clause go a little further.

A person who enters a dangerous area contrary to a specific warning or who fails to stop a vehicle when required is guilty of an offence. A person who enters a dangerous area contrary to a warning is liable to compensate the Crown for the cost of operations reasonably carried out for the purpose of finding or rescuing that person.

The Bill also provides special powers of entry to premises where a senior police officer of or above the rank of inspector suspects, on reasonable grounds, that an occupant has died and the body is in the premises, or an occupant is in need of medical or other assistance. In these circumstances a member of the Police Force may enter the premises for the purpose of investigating the matter. Where a person has died and the commissioner considers it necessary or desirable to do so, he may issue a warrant to a police officer authorising the police officer to enter the premises in which the person last resided before death in order to search the premises for something that might identify or assist to identify the deceased or relatives of the deceased, or to take property of the deceased into safe custody.

Powers granted by this Bill are very broad. However, in order to enable police to apprehend escapees and suspected criminals, it is my view that police ought to have these powers but that they should be subject to as many safeguards as may be reasonable and possible. I believe that the following matters should be addressed. The initial authorisation of a roadblock must not exceed 12 hours but may be renewed from time to time for periods of 12 hours each. The renewal may be by a senior police officer. Because of the wide powers granted to the police, it is my view that any renewals ought to be by a justice, and I will move such an amendment during the Committee stage.

Where, as a result of a search at a roadblock, there is evidence that a police officer suspects, on reasonable grounds, an offence by the person for whose apprehension the roadblock was established, that evidence may be seized. The very sensitive area is where evidence of other offences by other persons might be detected, for example, heroin or marijuana. However, there is no power in the Bill to enable these particular substances to be seized and it does raise the potential for conflict with the existing law. I believe that this matter should be clarified and I ask the Minister to do so in his reply.

If there is evidence available of offences by other persons, that evidence may also need to be taken by the police. I think that that general clarification needs to be given by the Minister. The commissioner is to report after 30 June each year on the authorisations for roadblocks. I propose that within seven days after each roadblock for which authorisation has been granted a report of that authorisation be provided to the Minister and that the Minister be required to lay the notification before Parliament, if it is sitting, within seven days.

The power to declare an area to be dangerous, again, is very wide; the criteria is because of conditions temporarily prevailing. The Bill does not indicate whether it relates to bushfire, flood, or other natural disasters, or to situations where, for example, a gunman is under seige. I wish clarification of what the Government proposes and will move an amendment to ensure that the declaration may be made when conditions are reasonably believed to be dangerous to members of the public. The declaration remains in force for a period not exceeding two days. It is my view that 24 hours should be the maximum and that there ought to be an opportunity to extend for a further period of 24 hours, of which appropriate notice will be given.

It is an offence to enter a dangerous area, but I question the right of the media to enter to report. It is possible to provide for an authorised representative of the media, who decides to enter contrary to a specific warning, to assume totally the risk without either the police or the employer attracting any liability, and I will propose that as an amendment.

There is no provision for a report to the Minister and to the Parliament, and I propose that there should be a report in the same terms as in relation to roadblocks.

An honourable member: Do you understand what you are reading.?

Mr INGERSON: Do you? You obviously do not.

The SPEAKER: Order!

Mr INGERSON: There are special powers of entry granted by the Bill and the commissioner may issue a warrant authorising a member of the Police Force to enter premises

in which the person last resided before death to gain information about identity. It seems to me to be more appropriate if such a warrant were to be issued by such a justice, and I will propose accordingly.

The Council for Civil Liberties accepts the need for the legislation in principle, but expresses concern about the power of the police in creating roadblocks effectively to imprison large areas of the community. In addition, the council expresses the concern that, where a dangerous area is declared, individuals affected by the declaration, so that their own property or the lives of those close to them are put at risk, should be entitled to some consideration to allow them to gain access to the dangerous area; for example, in the case of a bushfire or flood. I recommend support for the Bill and will propose amendments in the Committee stage.

The Hon. JENNIFER CASHMORE (Coles): There may be good reasons for this Bill, but they have not been advanced by the Government. This piece of legislation will have a substantial effect on the civil liberties of people. It authorises the establishment of roadblocks by a senior police officer where the officer believes, on reasonable grounds, that the roadblock would significantly improve the prospect of apprehending a person suspected of having committed a major offence. It also provides for a senior police officer to declare an area to be dangerous because of conditions temporarily prevailing. The officer may require a vehicle to stop for the purposes of issuing a warning.

The second reading explanation states that at present the police have no general power to stop and search a vehicle. The Government is proposing a substantial difference from the situation which has prevailed prior to this in South Australia.There is not one justification in the second reading speech that warrants Parliament passing a Bill of this nature. As I said, there may be good reasons for it. The Opposition generaly accepts that the police need the power, but in the second reading explanation there is not a single shred of evidence that the power is needed. There is no justification whatsoever. We have obviously got to a point where the Government has decided that such things are necessary. The question is: why? What has happened in the past 12 months, two years, four years, three weeks, to prompt the Government to introduce the Bill? There is nothing in what the Minister has said that explains the reasons. I have the greatest reservations about agreeing, without very sound reasons being advanced, to legislation which affects civil liberties in the way that this Bill does.

I object strongly to the Government's total failure to justify the introduction of this Bill. I would certainly expect the Minister to give some kind of detailed explanation in his reply as to what is different in 1990 from the situations which prevailed in 1989 and every preceding year which meant that the police were apparently able to deal with circumstances arising in South Australia without having to resort to the legal power for roadblocks. If the Minister can do that, he should. If he cannot, the legislation should not have been introduced.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its general support of this legislation, although I note that the Opposition has indicated that it intends to move some amendments during the Committee stage. The member for Coles has just told the House that the Opposition accepts that the police need these powers, and I would have thought that the question posed by the honourable member therefore speaks for itself. The police need powers of this nature. This legislation has been introduced because there is a lack of clarity with respect to the current administration of criminal justice in this State and that situation must be clarified.

The honourable member makes a very fine point about the question of civil liberties with respect only to the most serious criminal offences in this State—that is what is covered by this Bill—but she says nothing about the civil liberties of every person who crosses the border of this State and is subjected to general powers of search of their cars for carriage of infested fruit. So, therefore, there is the contradiction in the argument that the honourable member has advanced this evening. Yes, we do need powers of this type and they must be clarified, which is the intent of this Bill.

The community wants to see the Police Force vested with the appropriate powers to carry out their duties. No-one in the community would deny that the police have a right to erect roadblocks to apprehend persons who are believed to have committed serious criminal offences. That is what one of the clauses of the Bill attempts to clarify and to achieve. I think that the Opposition's concerns to provide additional checks and balances are excessive in these circumstances, given the current practices that apply in this State and in a range of other areas where no criminal activity is involved but where there is police involvement; for example, in areas of natural and man-made disasters where a police presence is required. In those circumstances police are required to take action to seal off areas for community security and safety, for police investigation, and so on.

Once again, there is a lack of clarity with respect to the authority that police exercise in these circumstances. No-one in the community would deny the right of police to act in that way in those circumstances. I must say that, in my experience, there has been very little criticism of police or, indeed, other authorities exceeding their powers. For example, should most fire officers who are vested with similar powers report immediately to the Parliament on their actions, or the other checks and balances that the Opposition demands in these circumstances? No, a series of checks and balances already exist that provide for these circumstances. The extreme requirement to report immediately to Ministers, and thus Ministers then reporting to the Parliament, is usually found in circumstances where a degree of secrecy and anonymity surrounds that issue. There is therefore a requirement in the public interest to disclose the actions that have been taken.

That may apply, for example, with respect to surveillance of persons who are believed to be engaged in criminal activity. Here we are dealing with matters that are in full public exposure, which is often very intense: the establishment of road blocks, where there are natural disasters, and so on. In itself, there is very substantial scrutiny of those measures by the public.

I believe that the fears that have been expressed by the Opposition with respect to the measures that are before us are not founded. It is simply a matter of clarifying the law in this area and ensuring that police officers are vested with the appropriate powers to carry out the duties that they currently perform in the interests of the safety and security of our community. I will be pleased to clarify the specific points raised by the member for Bragg during the Committee stage of the debate.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 1.2 a.m. the House adjourned until Thursday 22 March at 11 a.m.