HOUSE OF ASSEMBLY

Tuesday 17 August 1993

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

CAPITAL PUNISHMENT

Petitions signed by 410 residents of South Australia requesting that the House urge the Government to reintroduce capital punishment for crimes of homicide were presented by Mr Becker and Mrs Kotz.

Petitions received.

TRADING HOURS

A petition signed by 24 residents of South Australia requesting that the House urge the Government not to extend permanent retail trading hours was presented by Mrs Kotz.

Petition received.

DRUGS

A petition signed by 77 residents of South Australia requesting that the House urge the Government to increase penalties for drug offenders was presented by Mrs Kotz.

Petition received.

CHILD SEXUAL ABUSE

A petition signed by 116 residents of South Australia requesting that the House urge the Government to increase penalties for offenders convicted of child sexual abuse was presented by Mrs Kotz.

Petition received.

MODBURY HOSPITAL

A petition signed by 39 residents of South Australia requesting that the House urge the Government to increase funding to restore previous levels of staffing and bed numbers at Modbury Hospital was presented by Mrs Kotz.

Petition received.

TAXATION, PETROL

A petition signed by 17 residents of South Australia requesting that the House urge the Government to decrease petrol taxes and increase funding for roads was presented by Mrs Kotz.

Petition received.

STATE BANK

A petition signed by 33 residents of South Australia requesting that the House urge the Government to allow the electors to pass judgment on the losses of the State Bank by calling a general election was presented by Mrs Kotz.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Housing, Urban Development and Local Government Relations (Hon. G.J. Crafter)—

Supreme Court Act 1935—Rules of Court—
Commonwealth Compatibility, Service and Executions of Process Act.
Corporations—Various.
Criminal Injuries Compensation Act—Regulations—
Crown Solicitor Notification.
Town of Renmark—By-law No. 3—Poultry.

By the Minister of Environment and Land Management (Hon. M.K. Mayes)—

Births, Deaths and Marriages Registration Act—Regulations—Additional Information.

By the Minister of Labour Relations and Occupational Health and Safety (Hon. R.J. Gregory)—

Disciplinary Appeals Tribunal—Report, 1992-93.

By the Minister of Business and Regional Development (Hon. M.R. Rann), on behalf of the Minister of Transport Development—

Marine Act—Regulations—Survey Fees.

By the Minister of Health, Family and Community Services (Hon. M.J. Evans)—

South Australian Health Commission Act—Regulations—Compensable and Non Medicare Fees.

QUESTION TIME

HINDMARSH ISLAND BRIDGE

The Hon. DEAN BROWN (Leader of the Opposition): Will the Premier explain in very precise terms what agreement exists between the Government and Partnership Pacific Pty Ltd for the construction of the Hindmarsh Island bridge? Will he say what involvement the former Premier had in establishing that agreement and will he table all documents that identify any potential liability to taxpayers arising out of this agreement? Last week a senior Treasury officer, Dr Bernie Lindner, gave evidence to the Environment, Resources and Development Committee that the Government could face legal action by Westpac as the owners of Partnership Pacific if the Government did not proceed with the Hindmarsh Island bridge.

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker: the Leader is quoting, or supposedly quoting—

The SPEAKER: What is the point of order?

The Hon. T.H. HEMMINGS: Sir, my point of order is that the evidence that the Environment, Resources and Development Committee takes is the property of that committee until it reports to Parliament.

The SPEAKER: Order! Was the Leader quoting from the proceedings of a public meeting which were open to the public or the recording of the meeting?

The Hon. DEAN BROWN: Mr Speaker, first, I am not quoting specifically anything—

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: I am indicating to the House what this person said at that committee of the Parliament. It was a public hearing.

The SPEAKER: The Chair does not uphold the point of order.

The Hon. T.H. HEMMINGS: On a further point of order, Sir: as one of the presiding officers that the committee members look to for advice, we have often talked about—

The SPEAKER: Order! The member for Napier will come to his point of order.

The Hon. T.H. HEMMINGS: Well, Sir, all evidence, whilst it is a public hearing, is still the property of the committee until it reports.

The SPEAKER: I do not uphold the point of order. The Leader.

The Hon. DEAN BROWN: Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The House will come to order. The Leader will resume his seat. It is Question Time, a very important part of proceedings. Order is required and it will be maintained. The Leader.

The Hon. DEAN BROWN: Thank you, Mr Speaker. Dr Lindner's evidence indicates this action could arise out of the exchange of letters and verbal agreements between Westpac and the Government. I have been told that the former Premier was directly involved in negotiations with Westpac which resulted in the Government guaranteeing total funding of the bridge's construction after the developer Binalong experienced financial difficulties, including non-accrual loans to the State Bank Group totalling $5.7 million. The Government's agreement with Westpac also stipulates that Binalong must repay all its loans to Westpac before Binalong is required to pay any contribution towards the construction of the bridge.

The Hon. LYNN ARNOLD: It is the case, which has been previously stated and which I will repeat here again today, that the Government has entered into a commercial arrangement with the developer to build the bridge and, as a result of that, the bridge will be built. Studies have been undertaken on the cost economics of that matter, and indeed the Leader himself brought a deputation to see me in opposition to the building of the bridge, and I undertook to get back to him with information on the various cost alternatives, including upgrading the ferry service and looking at the possibility of bridges going in other routes. In fact, I provided the Leader with as much information as I had available to me in respect of that matter.

What comes out of those estimates very clearly is that it is a financially commercial proposition to build this bridge against the costs of the ongoing running of the ferry. The question detailed the agreement that the Government has entered into, and I will provide some information on the agreement that has been entered into. The Government has entered into an agreement to fund and build the bridge as soon as practicable after the execution of the tripartite agreement, at an estimated cost of $6.4 million. Binalong is liable to contribute half the cost of the bridge up to a total cost of $6 million, and all costs in excess of $6 million—

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. The Leader is out of order. I have called the Government side to order for interjections, and I will also call the Opposition side to order. On the matter of the interjection by the Leader, the Leader will have access to further questioning if he feels it is required.

The Hon. LYNN ARNOLD: The Leader asked me to answer in very precise terms and I shall do so as concisely and as precisely as possible. Binalong is liable to contribute half the cost of the bridge, up to a total cost of $6 million, and all costs in excess of $6 million to a maximum of $1 million of such excess, plus accrued interest at the appropriate public sector borrowing rate; this liability to be secured by a charge over Binalong's property holdings ranking behind existing Westpac and Beneficial charges; Binalong is not required to make payments until its debts to Westpac and Beneficial Finance are discharged; once Binalong is liable to commence paying contributions, the quarterly contributions shall be sufficient to discharge the bridge debt to the Government, including accruing interest over the remainder of the period of 12 years from the completion of the bridge; an annual adjustment of the quarterly payments is to be made to take account of the diminution of the debt by council contributions; from January 1995 the council will make annual contributions to the Government in respect of new development on the island, at the rate of $325 per residential allotment, plus an escalation factor taking account of CPI and interest rates; and between .45 and .05 cents in the dollar on the value of non-residential development; developers and/or allotment owners will have an option of making a lump sum payment of between $3 400 and $5 000 per allotment, effectively to avoid a supplementary rate impost; optional lump sum payments collected by council from the Binalong development area shall serve to reduce the quarterly payments due from Binalong Pty Ltd; council's obligation to contribute as above is to be diminished to the extent that any special rate for collection of the contribution is ruled *ultra vires* by court; Government to refund to council any contributions ordered to be repaid to ratepayers and to indemnify the council for its expenses; such refunds are to be added to Binalong's outstanding indebtedness to the Government.

Binalong and council contributions to Government shall continue until the Government outlays in excess of its ultimate share under the cost sharing arrangements have been recovered with interest. However, council's obligation to make contributions shall last for a maximum of 20 years regardless of the level of Government's recoupments. Council will contribute an amount of $12 000 per annum, to be indexed to the consumer price index, to the Department of Road Transport for maintenance of the bridge. This sum has been calculated by the Department of Road Transport. Ownership of the bridge shall remain with the Government which shall be responsible for carrying out maintenance and eventual replacement.

With respect to the Westpac bank, two letters were written by the former Premier to Westpac bank, one on 22 November 1990 and the other on 27 March 1991. The first letter, to the Managing Director, states:

> I refer to our recent telephone conversation concerning the proposed financing of the Hindmarsh Island marina and residential waterfront development, and to the further discussions between officers of Westpac and Treasury.
>
> I am willing to put a recommendation to my Cabinet that the Government commit immediately to fund the construction of a bridge between Goolwa and Hindmarsh Island on terms previously outlined, including a contribution from Chapman payable subsequent to the repayment of Westpac advances. Construction would commence as soon as practicable subsequent to the completion and approval of detailed design and technical investigation. However, the making of such a recommendation could only be on the basis of having received a commitment from Westpac to finance the marina and residential waterfront development, the details of which have been previously submitted to your bank. I would appreciate your advice as to whether the bank is in a position to give us such a commitment.

There is then a concluding paragraph of no import. A further letter of 27 March—

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: You asked the question. You asked for very precise detail, and I am giving you precise detail—

The SPEAKER: Order! The Premier will direct his remarks through the Chair.

The Hon. LYNN ARNOLD: I am sorry, Mr Speaker. On 27 March 1991 a letter was sent to the then General Manager of the South Australia/Northern Territory branch of Westpac, as follows:

I refer to the letter of Mr Greg Frisby, Manager, Loans Management, to the Under Treasurer. . . dated 12 March 1991, setting out conditions under which Westpac will further fund stage 1 of the Binalong proposal. As you are aware, I discussed this proposal with your Managing Director, Mr Stuart Fowler, in November 1990, indicating Government interest in seeing the approved project implemented.

I am pleased to see that the subsequent investigations and further considerations have led Westpac to determine an arrangement to provide further funds to facilitate stage 1 of the development. It is noted that Westpac seek agreement of Government to certain commitments in regard to the provision of a bridge to the island before the financial facility is put in place.

Details of Westpac's position have been put to my Cabinet for consideration. Cabinet viewed this project in the context—

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: Can I finish reading the letter?

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

Mr D.S. Baker: What's the date of the letter?

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

The Hon. LYNN ARNOLD: If you had been listening, you would have heard it. The letter continues:

Cabinet viewed this project in the context of the future development strategies and opportunities for the rest of Hindmarsh Island. I am pleased to inform you that Government has determined to support the funding and construction of the bridge between Goolwa and Hindmarsh Island. This support is made up of bringing forward the originally approved commitment to provide a grant of half the cost of the bridge or a maximum of $3 million, with the further funding required to complete the bridge being by way of loan funds to be repaid by the project as previously approved in April 1990.

In determining to fund the construction of the bridge, Government have maintained its intention to provide an appropriate level of infrastructure such that the future development of the island can be accommodated. In this regard it is intended that other new developments will be expected to make contributions to infrastructure facilities. It is for this reason that the conditions relating to the project contributions have been maintained. It is acknowledged, however, that Westpac insist that arrangements for these contributions are subordinated to the Westpac and PPL debt.

Government has taken the decision to now provide the necessary commitment to the provision of the bridge infrastructure support for Hindmarsh Island in lieu of continuing the ferry operation. All action will now be taken to ensure the earliest and most practical start can be made to the construction. There are, however, a number of details relating to the bridge in terms of the completion and approval of detailed design and technical investigations, as I set out in my letter to Mr Fowler, to be attended to.

In addition, details of the necessary arrangements for contributions from Binalong are to be finalised. These matters will be addressed as soon as possible and you can be assured that Westpac will be fully informed of the course of the actions and involved where appropriate. In this regard, I have asked Mr Bryan Moulds to ensure that your officers are appropriately briefed on all of these matters.

There is then just a closing paragraph.

The Hon. Dean Brown interjecting:

The SPEAKER: Order! The member for Playford.

EDUCATION POLICY

Mr QUIRKE (Playford): Can the Minister of Education, Employment and Training say whether the delivery of education services in South Australia would be changed by policies such as those included in the Liberal Party paper on policy directions for education?

The Hon. S.M. LENEHAN: I thank the honourable member for his question. Indeed, I must say that the Liberal Party's policy document on education is incredibly brief.

Members interjecting:

The Hon. S.M. LENEHAN: They do not want the information.

The SPEAKER: Order! The Chair is sick of saying 'Order!' already. The House will come to order.

Dr ARMITAGE: I rise on a point of order, Sir. A question which refers to changes which might occur whether or not policies are introduced is clearly a hypothetical question.

The SPEAKER: The point of order is?

Dr ARMITAGE: It is a hypothetical question.

The SPEAKER: The Chair must admit that he did not hear the question because of the background noise. To clarify the position, I will ask the questioner to put the question again, and again I remind members that if the Chair cannot hear the question nobody else can.

Mr QUIRKE: Can the Minister say whether the delivery of education services in South Australia would be changed by policies such as those included in the Liberal Party paper on policy directions for education?

The SPEAKER: No, I do not uphold the point of order. The question asked whether services would be changed with a different policy, and I think that is a statement of what would occur. I do not uphold the point of order.

The Hon. S.M. LENEHAN: I can understand the honourable member's confusion, because the Liberal Party policy is only two pages long and he could be forgiven for not knowing that it existed. I must say, however, in all fairness that there are some random ideas in the paper that are good ideas because they are ideas that currently this Government is already implementing. Those ideas include our policies on both equal opportunity and assistance for children with specific learning difficulties. So, there are some good ideas; there are very few within the policy, but I must congratulate the Opposition on that.

More importantly, it is interesting to note what is left out of the document. There is a Kennett-like silence on early childhood and on higher education. Nothing at all, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: —on either early childhood—

Members interjecting:

The SPEAKER: Order! The Minister will resume her seat.

Mrs KOTZ: I rise on a point of order, Mr Speaker. Again, I relate to the hypothetical aspect. The Liberal Party Opposition paper on education has not yet been released.

The SPEAKER: Order! What is the point of order?

Mrs KOTZ: There is hypothetical supposition in answer and question.

The SPEAKER: I have already ruled that the Chair does not believe that the question was hypothetical: if there were a change in policy, would it have effect? The answer is not covered by hypothetical responses. If the honourable member can cite a Standing Order that covers responses, I will take notice.

Mrs KOTZ: Mr Speaker, the Minister's answer related specifically to the policy of the Liberal Party. The policy has not yet been released, therefore the answer is hypothetical.

Members interjecting:

The SPEAKER: Order! There must be some source document that has been referred to. The Chair is not aware of that. However, there must be a source document somewhere. The question is in order and the answer is in order at this stage.

The Hon. S.M. LENEHAN: Again, I can understand the Opposition's concern, because the document to which I am referring is a 'Policy Directions for Education' document. It is obvious that Opposition members do not even know, first, their own policy and, secondly, the existence of this document. However, I want to say that, while the document remains completely silent on early childhood education and indeed on higher education, it does put a very high priority on vocational education.

Members interjecting:

The SPEAKER: Order! The Minister will resume her seat until the Chamber quietens down. I cannot hear the answer.

An honourable member interjecting:

The SPEAKER: Order! Does the member for Hayward have a problem?

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. Vocational education assumes a high priority in this document. It actually gets three lines. I must point out that this document will not fool anyone. Today, in fact, I am going to release a report card—

Members interjecting:

The Hon. S.M. LENEHAN: —on the Opposition's—

Members interjecting:

The Hon. S.M. LENEHAN: Mr Speaker, it is interesting that not only do Opposition members not know their policies but they find it humorous that they have no policies in some of the most fundamental areas. What we do know about the Opposition is the following. We know that the Leader of the Opposition has announced at least two or three policies. Of course, one is his very famous 15 to 25 per cent slashing in education. Notwithstanding that I have given him ample opportunity time after time in this House—

Members interjecting:

The Hon. S.M. LENEHAN: They do not like it.

Mr S.J. BAKER: On a point of order, Mr Speaker.

The SPEAKER: Order! The Minister will resume her seat.

Mr S.J. BAKER: Sir—

Members interjecting:

The SPEAKER: Order! The honourable member will wait until he is called, when the Chair can hear him.

Mr S.J. BAKER: Mr Speaker, I believe that the Minister is now debating the question.

The SPEAKER: I point out to the House that we are—

Members interjecting:

The SPEAKER: Order!—17 minutes into Question Time.

The Hon. H. Allison interjecting:

The SPEAKER: Order! The member for Mount Gambier is out of order. We are 17 minutes into Question Time and we are on the second question. If the House does not wish Question Time to go ahead, I suggest that it should change the Standing Orders. Otherwise the Chair will impose order and we will get through Question Time. I ask the Minister, because we are running out of time, to be as brief as possible and to direct her remarks through the Chair. I caution all members on their behaviour. The honourable Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. Obviously the Leader of the Opposition has refused to say whether he will slash teacher numbers or cut salaries. Perhaps he will follow the Kennett line of arbitrarily closing 50 schools with no consultation at all. However, he will have to tell the people of South Australia what he is going to do, because they will demand to know. They will not cop the Kennett and the Court line, which has been to tell them nothing in education and then cut and slash. I do not believe that the people in this State are as gullible as the Leader of the Opposition would like us to believe they are, because they are not.

HINDMARSH ISLAND BRIDGE

The Hon. DEAN BROWN (Leader of the Opposition): My question is directed to the Premier. Why did the Premier and his advisers deny on 17 February this year that there was any financial obligation by the Government in any financial arrangements between Binalong Pty Ltd and Partnership Pacific/Westpac over the building of the Hindmarsh Island bridge; and why did he also deny that there was any financial exposure to Binalong by the State Bank Group for the Goolwa marina development?

The Premier, as he has already recalled to the House today, met a deputation that I took to him on 17 February 1993 comprising Messrs Brooks, Cattanach and Roscrow. At that meeting the Premier and his advisers denied three times any liability or obligation by the Government to Westpac or Partnership Pacific or by the State Bank Group to Binalong. In fact, the Premier's denial is supported by a letter that I have received today from Mr Noel Roscrow, who was also at the meeting. Now it is revealed by Treasury officer, Dr Bernie Lindner, that the Premier's Department agreed in writing in 1991 that, if PPL continued to fund the Goolwa marina development, the Government would build the bridge. It is also revealed that there are liabilities between Binalong and the State Bank Group. Why the denial?

The Hon. LYNN ARNOLD: The Leader would do well to read the letter that I wrote to him on 13 March following that meeting. After the meeting on 17 February the Leader wrote to me, and the outstanding matters that he identified from that meeting were as follows. This is the Leader's own letter. He sought the following information: the cost justification study referred to by Mr Lindner of the bridge as opposed to a second ferry and the cost justification of the running costs of the ferry; any tender document copies used for estimating the cost of the bridge; details of the financial arrangements for the bridge; a copy of the management strategy to manage the environmental problems outlined in the assessment report and who would pay for this; and a copy of the consultant's report on other potential crossings for the bridge.

I replied to that letter. I will not read into *Hansard* the whole of the reply because the Leader has it on his own files and he is quite happy to go and get it himself.

The Hon. Frank Blevins: So he knows the answer.

The Hon. LYNN ARNOLD: He certainly knows the answer. In relation to the matter of Westpac to which he was referring, the reason why there was a denial of any obligation to Westpac is that, in fact, there was not an obligation to Westpac, as I indicated in the penultimate page of the letter, as follows:

> Finally, I would reaffirm that, contrary to surmise expressed at our meeting, the Government is not a guarantor of Westpac loans to the Marina-Goolwa project.

That was the surmise expressed at the meeting. Obviously, the Leader knows full well that this was the surmise express-

ed at the meeting, because I wrote this letter to him on 13 March. If he were to say that I had misread the meeting or not read the question, he would have been here more quickly than this, saying, 'Well, hang on, you missed the point, Mr Premier.' Members opposite need to know what their Leader received as a letter from me as a result of a deputation that he brought about the Hindmarsh Island bridge affair—a bridge, of course, which is very embarrassing to the Leader, because he has at various stages been on both sides of the argument. However, we will not detail too much more of that; we will leave him to face his own embarrassment about that in his own electorate. My letter went on to say:

> The Government has agreed with Westpac, however, that construction of the bridge should proceed as soon as possible in the interests of maximising the financial viability of the Marina-Goolwa project. This is to the benefit of all parties, as the bridge arrangements also stand to achieve savings for the Government compared with the current ferry service as set out above.

In some detail, with which I will not take up Question Time now, those figures were given to the Leader at that time.

Mr S.J. Baker interjecting:

The Hon. LYNN ARNOLD: I certainly reject what the Deputy Leader of the Opposition says. The Leader has had this letter in his possession since 13 March. If he is now trying to re-create what took place at that meeting, he should have taken issue with my letter at that time. One can see what any surmise or comments were, by virtue of the fact that he makes no reference to them in his own letter following the deputation to me. He makes no reference to those comments at all. If a pungent comment had been made at the meeting about this sort of matter, if the Leader was worth anything at all—if he was worth just half a grain of salt—he would have said in his follow-up letter, 'I want to know the answer to this, because the people of South Australia want to know.' That is not what the Leader had in his letter.

In terms of ensuring that every angle of the meeting was taken up, I dealt with the formal part of the meeting and with all these points the Leader listed in his own letter; I dealt with the formal part of the meeting at great length. I thought I would also pick up these passing comments made which might have suggested the Government had a guarantee to Westpac, so I killed that matter off as well in the letter. Dated 13 May, I do not know what date the Leader received it, but—

The SPEAKER: Order! The Premier will resume his seat. I hope the member for Custance is not making obscene gestures to the Chair.

Mr VENNING: On a point of order, Mr Speaker, I was simply indicating to you that this is only the third question in 35 minutes.

The SPEAKER: I inform the House that all those delays are in members' own hands. Does the honourable member have a dispute with the ruling from the Chair on the way the House is being run?

Mr VENNING: No, Sir.

The SPEAKER: I ask the Premier to draw his reply to a close.

The Hon. LYNN ARNOLD: I have given the information to this House. I gave it to the Leader many months ago. I am quite happy to stand by the comments I have made and to debate the matter with the Leader if he wishes. If he wants to debate it on television I am certainly happy to do that.

Members interjecting:

The Hon. LYNN ARNOLD: I know the colour of the Leader: he will not be prepared to do that.

CHILD-CARE

Mr HOLLOWAY (Mitchell): Will the Minister of Education, Employment and Training inform the House of the Government's program to provide additional outside school hours care places which bridge the gap between the start or end of the school day and when parents start or finish work or study?

The Hon. S.M. LENEHAN: I thank the honourable member for his ongoing support for the whole question of affordable, high quality child-care, because that, indeed, is a major issue and a priority for this Government. Last month an extra 668 outside school hours places were made available in new and expanded programs in 34 of South Australia's primary schools.

These additional programs will be jointly funded at a cost of $420 000 by the Federal Government and by our State Government. I would also like to remind members of the Government's commitment to the national child-care strategy, which was announced by me last December, when we announced the provision of an additional 4 300 child-care places in South Australia by 1996. These included long day care, family day care and year round places for school age children for the outside school hours places and care.

I mention this point because again I have to refer to the Liberal Party's policy directions document, which is completely silent on the whole issue of the provision of children's services. Perhaps we can look forward to a later document that will try to outbid the Government. We have the runs on the board: we are working with the community. The Liberal Party's document has been very high on rhetoric in terms of motherhood but, sadly, it forgot the children.

The SPEAKER: Order! I remind all members that, unless there is a very clear breach of order, they are certainly taking up the time of Question Time.

ADELAIDE FESTIVAL

Mr S.J. BAKER (Deputy Leader of the Opposition): What is the Premier's response to comments today by the Adelaide Festival Director, Mr Christopher Hunt, that spending cuts risk reducing the 1994 festival from an international event to a national or local one through the loss of—

Members interjecting:

Mr S.J. BAKER: I beg your pardon?

The SPEAKER: Order!

Mr S.J. BAKER: I refer to the loss of four major events. Is the Premier prepared to advance the festival a further $100 000, the amount quoted today by the Director, to ensure the success of the event?

The Hon. LYNN ARNOLD: I hope that the Deputy Leader was not attempting to suggest that the Government has cut funding to the festival, because that is certainly not the case. We have increased funding to the Adelaide Festival of Arts, because we recognise its importance as an international event. However, despite our increase in funding there has obviously been a major decrease in other sources of funding. Surely, we all ought to be encouraging corporate sponsors and others in the community to be increasing their contributions to this very important international event.

We have increased our rate of support for the Adelaide Festival of Arts: I would argue that other South Australian organisations should do likewise. If the Deputy Leader wants to join me in making a call for increased corporate sponsorship, I am very happy for that to take place. But we put extra dollars behind the festival as a sign of our faith and belief in and support for the festival as an important international event.

PUBLIC SERVICE APPOINTMENTS

Mrs HUTCHISON (Stuart): Will the Minister of Labour Relations and Occupational Health and Safety advise the House of the process involved in selecting the position of Policy Director in the Environment Protection Office? Will he also advise what experience and qualifications the successful candidate (Ms Di Gayler) brings to that position? On 10 August in this place the Leader of the Opposition claimed that Ms Gayler's appointment to this position had politicised the Public Service and that it was essentially the appointment of a political adviser. However, I understand that Ms Gayler has had a long and distinguished career in the Public Service and that her appointment to the position of Policy Director was as a result of a selection process totally in accordance with prescribed Public Service procedures.

The Hon. R.J. GREGORY: I was appalled when on 10 August the Leader asked the question about the appointment of Ms Gayler. Obviously, he did not understand the nature of the employment she had before she became a member of Parliament and he feels that when people have been in Parliament they are not fit to work in the Public Service, irrespective of their qualifications or the method by which they are appointed.

The position was advertised in the Notice of Vacancies on 30 September 1992. There were 10 applicants for the position, four of whom were short listed and interviewed during December 1992. The selection panel consisted of Mr Rob Thomas, Executive Director of the Environment Protection Office, and Chair; Mr Bruce Leaver, acting CEO, Department of Environment and Land Management; Ms Sue Briton-Jones, Senior Policy Adviser, MFP Australia; and Mr Kelvyn Steer, Acting Manager, Air Quality Branch, Department of Environment and Land Management. The panel was unanimous in the selection of Ms Gayler to this position and recommended her reassignment to the Commissioner for Public Employment.

That reassignment took place on 24 December last year. Ms Gayler has a Bachelor of Arts and a Master of Arts degree, and majored in urban and regional planning from the Adelaide University. She has worked in the Public Service for a considerable period, particularly when she worked in the department for which the Hon. Murray Hill was responsible when he was Minister of Local Government. She also worked in the office of the Leader of the Government at that time, Dr Tonkin. My advice is that Ms Gayler is eminently qualified for that position, and I know that prior to the election of the Labor Government in 1982 she was working in the department administered by Murray Hill, because I once visited her there.

Since being a member of Parliament, Ms Gayler has sought employment on an appointment basis within the Public Service. She competed against 10 other people and was successful in getting the job. As the Leader knows, these positions within the South Australian Public Service are open to appeal. There was no appeal. What that means is that those other nine people who competed with her for the position saw that as a fair selection.

Members interjecting:

The Hon. R.J. GREGORY: Those interjections from the member for Victoria and the member for Bright are very interesting, because they indicate that they would do exactly that if they were in government: they would interfere. That is the inference one draws, and I think it is about time they came out with a policy. I make this quite clear: the actions involved in the appointment of Ms Gayler under the Government Management and Employment Act were entirely different from those involving the appointment of Miles Cundy in the dying stages of the Tonkin Government.

PENSIONERS' SHARES

The Hon. D.C. WOTTON (Heysen): What representation has the Minister for the Aged made on behalf of South Australian pensioners to the Federal Government prevailing on it not to include in tonight's budget an appalling provision to cut pensions in proportion to the unrealised value of their shares? I have been made aware that the likelihood of such a provision has created widespread fear among the State's elderly, and opposition from a number of—

The SPEAKER: Order! If the House comes to order, we will get on with it. Rather than waste Question Time, I might draw the honourable member's attention to the fact that there is a motion on the paper which covers this matter. I therefore rule the question out of order. The honourable member for Walsh.

WORKCOVER BOARD

The Hon. J.P. TRAINER (Walsh): Has the Minister of Labour Relations and Occupational Health and Safety carried out an investigation into allegations that a doctor recently appointed to the WorkCover Board has been investigated for fraud? If so, will he advise the House of the findings? In Question Time on 3 August and during his Address in Reply speech last Tuesday, the member for Bragg questioned the credibility and integrity of a WorkCover Board member and his nomination to the Board.

The Hon. R.J. GREGORY: On 3 August the member for Bragg asked a question about the appointment of a person to the board of WorkCover, and I responded that my understanding at that time was that an investigation had been conducted and no malpractice had been found. The question also alleged that the files had been burned. Later during Question Time on that day, I advised that they had not been burned and that they were still intact.

On 10 August, in what I understand was a grievance debate, or it may have been the Address in Reply, the member for Bragg went into some detail about Dr Cullen. I am appalled at the sort of character assassination that members opposite engage in from time to time. The member for Bragg indicated that he had consulted with some board members and said that only one had said something about his appointment. For the information of the member for Bragg you do not consult with board members in respect of appointment of people who are involved with the interests of employers or employees; you consult with the appropriate association, because it is best able to provide that information. I will not name the associations, but I indicate that five of the nine contacted agree that he ought to be appointed.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: Mr Speaker, the member for Bragg said it is a blatant lie, and I ask for a retraction.

The SPEAKER: Order! Did the member for Bragg use those words?

Mr INGERSON: Yes, and I withdraw, Mr Speaker.

The Hon. R.J. GREGORY: I thank the member for Bragg for that, because a middle-sized employer organisation supported the appointment in these terms: 'medical experience good; add new dimension to the position; well known referee'. A small employer organisation supported the person appointed as having appropriate credentials. A significant and large employer organisation 'sees nothing wrong with the nomination'.

Members interjecting:

The SPEAKER: I ask the Minister to direct his attention and remarks through the Chair.

The Hon. R.J. GREGORY: Another significant employer association representing employers in this State supported the appointment but did not comment. Another association of a small number of employees supported the appointment. Another reasonable sized employer association opposed the appointment. Another organisation of employers, which again I would say is of reasonable size, opposed the appointment. A significant employer organisation opposed the appointment, as did another employer organisation with a small number of employees. To say 'one' is wrong. I turn now to Dr Cullen. One has to appreciate that Dr Cullen is a specialist in dealing with occupational health matters.

Mr Ingerson interjecting:

The Hon. R.J. GREGORY: The member for Bragg says, 'Yeah, I know.' The situation is that, if a doctor specialises in dealing with occupational matters and injury, he or she will naturally have a lot of dealings with WorkCover. The member said that there was an investigation for fraud. The advice I have from Workcover is that there has never been a fraud investigation into Dr Cullen's activities. There is, as the member for Bragg would know, because he was privileged to be a member of the select committee that inquired into some aspects of the Workers Rehabilitation and Compensation Act, a peer review group which discusses with doctors their methods of treatment and the frequency with which they service people.

Mr Ingerson: Why don't you table the report?

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

The Hon. R.J. GREGORY: It is all right for the member for Bragg to get up in this House and have cheap shots at people, but he is never prepared to apologise when he wrongly accuses people. He has accused Dr Cullen of fraud, yet WorkCover has never investigated him and has not even thought about charging him with fraud. My advice is that it has not even thought about it.

Mr S.J. Baker: What about over servicing?

The Hon. R.J. GREGORY: What about over servicing in respect of the member for Mitcham's mouth, because in this place it is constantly open and never shut?

The SPEAKER: Order! I would ask the Minister to draw his response to a close.

The Hon. R.J. GREGORY: I think it is appalling that people should come into the House and do the sort of thing the member for Bragg has done. In particular, I refer to the Supply Bill debate in 1992 where the member for Bragg said:

> One of the things that concerns me in this place is the continual denigration of individuals when there is no evidence whatsoever to back it up.

I just wish the honourable member would adhere to his own beliefs and honestly apologise to people he maligns in this House when he knows that they cannot sue him. If he made these statements outside, without the protection of this joint, he would not have any money left.

PENSIONERS' SHARES

The SPEAKER: Order! I have looked at the notice of motion and I rule that the question by the member for Heysen is in order and I will allow it.

The Hon. D.C. WOTTON (Heysen): What personal representation has the Minister of Business and Regional Development made on behalf of South Australian pensioners to the Federal Government prevailing on it not to include in tonight's budget an appalling provision to cut pensions in proportion to the unrealised value of their shares? I have been made aware that the likelihood of such a provision has created widespread fear amongst the State's elderly and opposition from a number of organisations including the RSL, Greypower and the Australian Retired Persons Association.

The Hon. M.J. EVANS: I am a little unsure whether the honourable member is talking about the same scheme that I understand is the subject of current concern, because that scheme was enacted by the Commonwealth Parliament 12 months ago. It will not be included—

The Hon. D.C. Wotton interjecting:

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

The Hon. M.J. EVANS: If the member for Heysen is aware of the details of that scheme, he would know that it was enacted into law 12 months ago, and I understand with the support of the Opposition in the Federal Parliament. I am not responsible for the actions of, first, the Commonwealth Parliament or, secondly, the Opposition in the Commonwealth Parliament and particularly the latter, but certainly in respect of this matter I do understand that there are concerns by pensioners in this State about the provisions that relate to shares and their social security means test. I am certainly aware of those matters.

I have discussed the situation with pensioner groups and with the Commissioner for the Ageing, who has lodged with the select committee of the Commonwealth Parliament which is now examining that matter a comprehensive submission which conveys all of the same kinds of concerns which have been expressed publicly by pensioners in this State on behalf of South Australians. That is indeed an appropriate function for the Commissioner for the Ageing to undertake and he sought my concurrence in that matter at the time it was undertaken.

That select committee will report to the Commonwealth Parliament. I am not aware of the detail of what that report may or may not contain, so obviously we will have to await that. I am afraid the member for Heysen is not aware of the details of this if he is assuming that it is in tonight's budget.

The SPEAKER: Order! As the Opposition missed one turn, I call the member for Kavel.

AGRICULTURE DEPARTMENT OFFICERS

Mr OLSEN (Kavel): I address my question to the Premier. Did the former Premier refuse to act on alleged improprieties by officers of the Department of Agriculture and, if so, did this occur with the knowledge of other

Ministers including himself? I have received a copy of a letter written by the former Minister of Agriculture, Mr Brian Chatterton. Mr Chatterton resigned saying the former Premier had refused to support his proposals for the management of overseas projects undertaken by the Department of Agriculture. In his letter Mr Chatterton states that in managing these projects certain departmental officers 'seemed to be looking after themselves and their mates very well through a plethora of dubious consultancies and other irregularities'.

An honourable member interjecting:

Mr OLSEN: It was 26 July 1993. He says a visit to Iraq and Algeria confirmed 'incompetent management and irregularities'.

The Hon. LYNN ARNOLD: I am not aware of these matters. I will certainly have an investigation undertaken into them. I know that there were some views expressed publicly at the time by the Hon. Brian Chatterton after he resigned from the Cabinet about a number of matters to do with the administration of agriculture, but I cannot recall at any stage that he alleged corruption by any officer of the department. I will certainly have the records checked on that matter. Beyond that I can add nothing more at this stage.

BEACH EROSION

Mr HAMILTON (Albert Park): Can the Minister of Environment and Land Management assure the House that this Government is committed to providing appropriate resources to properly maintain Adelaide's beaches? My constituents continue to express concern about erosion problems on beaches in my electorate. I understand the responsibility for beach maintenance is shared between the State and local government and is subject to negotiations being undertaken. I seek an undertaking from the Minister that the State Government will fulfil its share of that responsibility in terms of management of sand replenishment and that the beaches in the electorate of Albert Park, to be known as Leigh, will be rehabilitated.

The Hon. M.K. MAYES: I thank the member for Albert Park for his question and his tireless advocacy on the part of his constituents in the beach area. Certainly, I can give him an assurance that the Government is addressing this issue. In fact, at the moment my colleague the Minister of Housing, Urban Development and Local Government Relations is involved in discussions to set in place arrangements with local government to maintain our beaches and, of course, continue with the sand replenishment program.

The State Government fully accepts its role in the process of beach conservation, particularly in relation to sand replenishment. We have clearly set down the funding arrangements within the budget, and I will leave that for the forthcoming State budget.

I assure the honourable member that we are able to indicate that many thousands of cubic metres of sand will be provided for the sand replenishment process. I assure the honourable member that will be undertaken, and I am sure the House will be interested in that process. There is a proposal to do it by dredging. There are a number of reasons why we can undertake this, and there are a number of benefits that can flow from dredging offshore sand supplies. Those advantages include the fact that there is less noise for residents in the preparation and presentation of the sand replenishment, less damage to roads and less disturbance to the amenity of the beach fronts and, as I am sure you appreciate in your electorate, Sir, that is very important.

The other advantage is that we will have better quality sand provided to the replenishment program. It is a new source of sand, which will add to the additional sand stocks we have along the beach front. I can assure the honourable member that the Government accepts its responsibility. I hope we are close to finalising negotiations with local government, and hopefully we will see in place very soon—well before the summer season—the sand replenishment program.

WILPENA STATION RESORT

Mr INGERSON (Bragg): My question is directed to the Minister of Environment and Land Management. Under the Government's agreement with the Ophix Corporation for the proposed Wilpena Station resort, will the corporation forfeit any rights to the project if Stage 1 is not completed by 30 June 1994 and, if so, can the Minister give an assurance that no taxpayer-funded compensation will be due to Ophix? The agreement between the Government and Ophix requires the completion of Stage 1 by the end of this financial year, a deadline which I understand will be impossible to meet, as Ophix has yet to achieve full financial backing for the project. It has been put to me that, should Ophix lose its rights to the project, the issue of compensation may arise under its agreement with the Government.

The Hon. M.K. MAYES: I will obtain a detailed response for the honourable member. That sort of question warrants a detailed and careful response to the House, and I will do that as soon as possible.

GOUT, Mr HENDRIK

Mr FERGUSON (Henley Beach): I direct my question to you, Sir. Can you inform the House of the circumstances arising from the alleged banning of an ABC journalist from this House?

The SPEAKER: Yes, the Chair can. By a strange quirk of fate I have just received a letter from the Manager of the ABC, with whom I have been in contact since the time of the alleged breach. Let me say that at that stage no reporter was banned from this Parliament, a fact that was misreported in the *Australian* and the *Sunday Mail* and, I believe, other media. I quote from the letter, which I received today from Mr Phil Martin, Head, TV News and Current Affairs, a copy of which was sent to the Editor of the *Sunday Mail*. It states:

> Dear Kerry, I write to express concern about a story in yesterday's *Sunday Mail* which featured our *7.30 Report* journalist, Hendrik Gout. It was suggested that Hendrik had been 'banned indefinitely' from the House of Assembly for ridiculing the Speaker, Norm Peterson. However, the fact is the Speaker merely considered withdrawing permission for the *7.30 Report* to shoot pictures of the proceedings of the House because of a breach of guidelines to which ABC Television had previously agreed. I wrote to Mr Peterson, acknowledging the breach and apologising. Fortunately, the Speaker decided against imposing any penalty. I fully understand that the *Sunday Mail* reported and published yesterday's story in good faith, but what appeared did not represent the views of ABC management.

As it would have been ABC management that was informed of this, I hope that clears up the matter. I hope the media in this State now take notice of the facts, instead of dreams. I noticed in one report that members of this House dissented and believed that the ruling was incorrect. If any member believes the Chair acted improperly, I shall be pleased to receive a motion in that tone now.

LABOUR DEPARTMENT OFFICE

The Hon. B.C. EASTICK (Light): My question is directed to the Minister of Labour Relations and Occupational Health and Safety. What representations, if any, were made to him by the member for Napier about the closure of the Elizabeth office of the Department of Labour? This office closed its doors yesterday, even though it is the busiest of the department's suburban offices. As a result, businesses from a wide area of northern Adelaide will be inconvenienced, with their nearest office being at Kent Town. They have been told that many of the businesses affected are in the electorate of Napier, and it has been put to me that this is yet further evidence of what the Minister of Primary Industries says is the ineffective representation of this electorate by the current member.

The Hon. R.J. GREGORY: I thank the honourable member for his question. Representations have been made to me by two members of this House, and both of them happen to be sitting on this side. It is a pity if the employers and constituents of the member for Light living in his electorate who knew this closure was imminent did not also come to see me.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The member for Adelaide just does not understand what happened.

Mr Matthew interjecting:

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

The Hon. R.J. GREGORY: As you well know, Mr Speaker, and as members opposite know, quite frequently, if you are running an organisation properly, you review the operations of that organisation from time to time to see how you can effectively deliver the services that are needed by that organisation in its vicinity and over the whole of South Australia, and to do it cost effectively. Since I have been Minister I have received at least three submissions that there should be a rationalisation of the regional offices of the Department of Labour. I have deferred on two occasions, but on the last occasion I thought it would be a good idea to go ahead with it. Consequently, there has been a rationalisation. However, following the representations made to me by the members for Napier and Elizabeth, I have discussed the matter with officers of the department, and we will ensure that there is a presence of the Department of Labour in the Elizabeth area.

Members interjecting:

The SPEAKER: Order!

Mr Matthew interjecting:

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

The Hon. R.J. GREGORY: What we have been able to do is merge the awards system that the Commonwealth has on computer with the South Australian information, which is accurate, within 48 hours of decisions being made or information given to it. We will ensure that an inquiry officer, skilled in answering award queries, will be allocated to the office complexes operated by the Government in the Elizabeth area so that people with inquiries in respect of the underpayment of wages—and I should imagine from the question by the member for Light that there would be plenty of employers up there trying to underpay people—

Members interjecting:

The Hon. R.J. GREGORY: Otherwise it would not be the busiest office in Adelaide.

Members interjecting:

The Hon. R.J. GREGORY: The truth hurts. It is the busiest office in Adelaide because people go there complaining about things, and they go there mainly to complain about underpayment of wages and to ensure that they get a fair go. We have been able to combine the State and Federal awards systems on the one computer and, when that is fully operational, it will ensure that in regional offices operated by the Department of Labour people seeking information will be able to get it from one office about State and Federal award matters. I think this is a progressive step and we will ensure that there is a presence there so that people who do have inquiries can get first-hand information that is accurate and up-to-date.

ROAD SPIKES

The Hon. T.H. HEMMINGS (Napier): Can the Minister of Emergency Services report on the status of Police Department trials of road spikes? At a recent Neighbourhood Watch meeting I was asked whether the department was happy about the use of road spikes in its efforts to combat criminal acts by persons using motor cars.

The Hon. M.K. MAYES: I thank the member for Napier for his question on this issue because there is considerable community interest in it, not only from Neighbourhood Watch groups but from the community as a whole. I have received numerous inquiries from constituents as to whether or not South Australian police have been road trialing these spikes and whether or not they are successful. I can say to the honourable member and to the House that a series of road trials have been undertaken by the South Australian Police Department. Initially, they used a set of spikes provided by the New Zealand police, but on Tuesday 1 June through to the end of July they were road trialled in various locations.

On 1 June at Waterloo Corner members of the South Australian Police Department used portable road spikes, anchoring them on the road and testing them in a road block environment. It was quite a successful demonstration. The outcome and report from the police was that the device performed to expectations. A further test was conducted on 3 June 1993 and that was again a successful public testing of a set of road spikes at Waterloo Corner.

On Tuesday 15 June 1993 the road spikes were actually deployed in an operational capacity by a Star Force officer, and I want to commend that officer on the initiative he took. As a consequence of his initiative, at 0.1.50 hours on Bridge Road, Pooraka, he successfully apprehended three offenders in a stolen car. Unfortunately, that incident was presented as a rather negative story because the four tyres in the pursuing police car were taken out by the road spikes as well, but it was a very successful application.

In summary, the department has now called for tenders for 20 sets of road spikes. That tender went out in July and I believe that tenders have now closed. We look forward to the successful implementation of road spikes in a limited and practical way in apprehending those offenders.

GRIEVANCE DEBATE

The SPEAKER: Order! The proposal before the Chair is that the House note grievances.

Mr HAMILTON (Albert Park): I am glad to see that the Minister of Education, Employment and Training is back on deck, because I have to raise a matter of considerable importance to constituents in my electorate about play equipment in what is now known as the Seaton High School grounds. Because of the state of the equipment it has been dismantled and some of it stored, I understand, at the old West Lakes High School site. Clearly, the Government has a responsibility, as has the Minister, to ensure that an area of land is set aside for people in this area.

The Government has benefited from the closure of the Seaton North Primary School in many ways, including the redevelopment that has taken place at the Hendon Primary School, for which I commend the Minister and her predecessor. The work at that primary school is nearing completion. Seaton High School has also benefited considerably as many of the portable rooms have been taken away and students at the school have benefited from a concrete structure that was previously known as the Seaton North Primary School. I appeal to the Minister, who is sitting in front of me, to have a close look at the issue.

Certainly, I give notice to the House and the Minister that I endorse 100 per cent the need for a portion of that land to be allocated so that play equipment can be retained at that site. It may be that the Minister receives advice from her department that that equipment is not its responsibility now, because there is no primary school there. However, in my view the facts of the matter are that that equipment has to be replaced. Indeed, petitions initiated from my office are circulating in the area—and I make no apology for that—to ensure that a portion of the grounds is set aside so that play equipment can be installed in that area.

I will not rest until such time as that equipment has been installed. I give notice of my intention to the Minister, because I know that in the past the Minister has always been sympathetic and lent a sympathetic ear to my representations. I enjoin the Minister and her staff to look at this matter closely, because there is little area in Seaton where parents can take their children to play on decent play equipment. The Government will benefit in the long term, I suspect, from the sale of that land not required adjacent to the property that my wife and I own. Of course, I have no vested interest in the location itself, but I am aware of the numerous number of parents and visitors who frequent that site and who have used it over many years for much enjoyment not only for young children but for many other people in the area.

Visitors use the area frequently and my neighbours have spoken to me consistently and repeatedly about this matter. Given that the Government will benefit from the sale of this land, which I suspect could involve about $1 million when the land is finally set aside and sold for housing, I believe that people are entitled to such a facility. The Government will benefit in many ways. Therefore, I appeal to and implore the Minister to get her staff busy on this matter. I know her staff are busy people and I make no criticism in that regard. However, there is a demand and I believe in and support that demand being met for those people and their children in the Seaton area.

Mr OLSEN (Kavel): Today I present to the House further evidence that the Labor Party, in effect, is tearing itself apart. Another former Minister has joined the swelling ranks of those who have now publicly admitted that Labor has failed. We have had a book from Dr Cornwall very critical of many actions of successive Labor Governments. We have had a foreword to a book from Mr Peter Duncan stating that over the past decade Labor has managed to wipe out all of South Australia's progress since the foundation of our State. Last week we heard from another former Minister, the member for Napier, foreshadowing Labor's doom, and now we have the views of Mr Brian Chatterton—all former Ministers and all former Cabinet Ministers and privy to discussions and the way in which the former Premier, Mr Bannon, operated the Cabinet, the ministry and Government in this State. Mr Chatterton resigned in 1983 in circumstances that provoked a long-running controversy. Let me now quote his version of events from a letter he wrote on 26 July this year.

The Hon. Jennifer Cashmore: It was from Italy, wasn't it?

Mr OLSEN: From Italy, his current home. The letter states:

> I enjoyed Chris Kenny's *State of Denial*. It reminded me of the striking similarities between Bannon's handling of my resignation as Minister of Agriculture and the State Bank affair. When I became Minister of Agriculture in the first Bannon Government I found that the administration of the overseas projects of the Department of Agriculture had been taken over by a group who seemed to be looking after themselves and their mates very well through a plethora of dubious consultancies and other irregularities.
>
> With the Premier's approval and, I thought, support I carried out an investigation of the projects on the ground in Iraq and Algeria and was able to confirm to him not only that my suspicions about the incompetent management and irregularities were well founded but that the clients were very dissatisfied with the way projects were being run. Administrative changes would have to be made if South Australia was to get a share of this valuable export market.
>
> Bannon's reaction was similar to his approach to the problems of the State Bank: I should leave the management of overseas projects to the public servants and confine myself to fronting publicly with various good news announcements—an approach that was later to become somewhat infamous in the royal commission as 'the hands off' approach to ministerial responsibility.
>
> Bannon talked to the officials concerned and decided to back their views rather than support his Minister. It was obvious that I no longer had any real authority within my department and as the trappings of office have never interested me I resigned.
>
> Geoff Anderson claims that Bannon went to extraordinary lengths to keep me in Cabinet. As this included giving instructions to Bruce Guerin, the head of the department, to overrule some of my decisions on overseas projects I can hardly be expected to share his opinion.
>
> Another interesting parallel with the State Bank was the way that Bannon's decision making was carried out in an isolated world of close advisers without contact with the real world outside. He was able to convince himself that he was managing the State Bank issue by keeping the news under control until eventually the customers pulled the plug by withdrawing their deposits.
>
> Similarly, he was able to manage my resignation but the overseas clients also pulled the plug on Bannon's decision by not signing any further contracts with the State Government.
>
> Nothing is more boring than former colleagues reliving their squabbles with the tedious litany of 'I said' and 'He said'. I hope, however, that you will grant me a slight indulgence as I believe the following account is relevant to the issue.
>
> I spoke to Bannon and gave him my letter of resignation late on Thursday afternoon. He rang me later in the evening to ask me to delay the release of the letter for a day as he would be in Canberra on Friday and not available for comment. I agreed and he used the reprieve to leak my resignation to the media with his version of my reasons.

Mr Speaker—

Members interjecting:

The SPEAKER: The member for Kavel has the call.

Mr OLSEN: Well, the body of evidence is building about the failures of Labor. Chris Kenny called his book *State of Denial*: to that we can add *State of Deception*. The deceptive management of Labor is now being exposed—exposed by former Ministers in the Labor administration under Premier Bannon. It is a management style, which the present Premier supported for a decade as a participant in those ministerial and Cabinet meetings and accordingly he must accept equal responsibility.

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

Mr FERGUSON (Henley Beach): During this grievance debate I wish to refer to some of the problems that the trade union movement sees regarding the industrial relations policies of the Liberal Party. I would like to refer specifically to the question of an industrial ombudsman. This seems to be a recycled policy which came about from the Federal Liberal policy put forward by John Howard and which was so roundly rejected at the last election. But there are some questions that need to be asked about this policy and I would request the shadow Minister of Labour to fill in the gaps in that policy so that we clearly understand what we are heading for as we go into the next election.

It would appear that it is the Liberal Party's policy to abolish the Department of Labour (this in fact happened in Victoria under the Kennett administration) or at least that part of the department that interacts with the inspectorate and award advisory service was abolished.

Members should be aware that the award service answered approximately 84 000 telephone inquiries during the past 12 months. Therefore, the question that we need to have answered is: how will the employee ombudsman deal with the following: advice on wages and agreements; advice on recovery of entitlements; advice to home based workers not covered by awards or agreements on negotiating individual contracts; advice on occupational health and safety issues; and advice on how conditions of work will be enforced.

The last condition is probably the most important. If indeed the employee ombudsman is given one or more of the tasks that I have enumerated and he or she comes into conflict with an employer or an employer organisation under the industrial relations system proposed by the Liberals, how will he or she be able to enforce what is considered to be a wrongful action against an employer? There would have to be a whole set of new provisions for the ombudsman to be affected in any way; or, if the ombudsman is unable to reach agreement with the employer, will this simply mean that it is bad luck for the employee?

Under the Liberal Party provisions individual subcontractors will not be classified as employees under the Industrial Relations Act, and this will have implications for many non-award workers. If this provision is enacted by law, that will stop unscrupulous employees insisting that all the work force become subcontractors. This cannot happen now because of the force of law. If that provision is removed—as has been indicated by the Liberals—how will they stop the exploitation of the work force, or do they not care about such exploitation?

I maintain that the high sounding solution of the Liberals of no compulsory unionism and the abolition of preference to unionists involves two entirely separate issues. I have to tell the House that I am totally opposed to compulsory unionism and after having visited New Zealand, where there was compulsory unionism, it only reinforced my views on this subject. Compulsory unionism encouraged laziness on the part of union officials and apathy on the part of members. There is, to my knowledge, no compulsory unionism in South Australia; if there were, every person in the work force would automatically be a member of a union.

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

The Hon. JENNIFER CASHMORE (Coles): Yesterday evening several members of this Parliament, yourself included, Sir, were pleased to be guests of the National Australia Bank at the celebration of the official launching of the Women's Suffrage Centenary tapestries, which as members know, by motion of this House, will hang in this Chamber when completed.

I want to draw the attention of the House and place on the record for historical purposes an item which to me is interesting about one of the images in the nineteenth century tapestry. The tapestries are designed to portray images which reflect the intent of legislation: one for the nineteenth century and the other for the twentieth century. The two acts depicted in the nineteenth century tapestry are the Married Women's Property Act and the Constitution Amendment Act of 1894, which gave women the right to vote and to stand for Parliament.

The images used to portray the intent of the Married Women's Property Act include a bridal veil of German origin, indicating our diverse settlement origins, and the fragment of a will. I have discovered that the fragment of the will is the will of my great, great grandmother, Janet Houston Craig, and I want to place on record in the House, because the tapestry will be hanging in the House, the background to it. The full wording of the fragment of the will is:

> I declare that the share of any female taking under this my will shall be for her sole and separate use free from the debts, control and engagements of any husband with whom she may have intermarried or may hereafter intermarry.

I am very proud to have a forebear of such strong feminist convictions and one who chose to take advantage of the 1884 Act. It may be of interest to know that Janet Hunter Houston, as she was born, retained her family name of Houston when she married James Craig in Glasgow, Scotland, on 16 November 1829. They joined other Scottish Baptists in emigrating to South Australia. They sailed on the *India* on 5 December 1839, and in that respect their story is similar to that of many South Australian migrants

They camped on the banks of the River Torrens initially and then opened a silk shop in Hindley Street. In 1841 they settled at Morphett Vale at Craigbank, a mixed farm. They had 12 children, four of whom died in infancy. James Craig died in 1862 and left his whole estate to Janet. He appointed her his executrix, and she managed the farm at the same time as administering his estate.

At the time Janet Craig made her will in 1890, she had one surviving son and six surviving daughters; hence her undoubted wish to ensure that her estate was shared among all her children and the expression of her will in the very plain terms which I have outlined. She died on 10 December 1893, just over a year before the enactment of the Constitution Amendment Act, which would have given her, and which gave her descendants, the right to vote and to stand for Parliament. I am very proud to be associated with such a family.

I should also like to place on record my thanks and those, I believe, of all members to the National Australia Bank for

agreeing to have the tapestries woven in the banking chamber so that they are available for public access and viewing throughout the weaving and so that any member of the public may participate in the weaving of the tapestries. I am glad, Mr Speaker, that you have accepted the opportunity, to use the technical term, to make a pass. I hope that every member of the House will take that opportunity so that we can all say we have played a part in the creation of these magnificent, historical commemorative tapestries.

Mr HOLLOWAY (Mitchell): I wish to take this opportunity to raise an apparent anomaly concerning disqualification for probationary licences under the Motor Vehicles Act. Recently, two constituents contacted me. They are the parents of a 17-year-old who had a P-plate licence. Apparently he had lost the licence because he was not carrying it when stopped by the police. At that time he was working for a hamburger chain, and that meant that he had to drive home at three or four o'clock in the morning. On the first occasion, my constituent paid the fine and he lost his licence for six months. He appealed against that decision and regained his licence as a result.

However, problems began on the second occasion when he was required to have new brakes fitted to his car. His father had apparently emptied all the items out of the car, including his son's driving licence. His son was not aware of this fact, and when he was stopped by the police and asked to produce his licence it was only then that he realised that the licence was not in the car. As a result of that, he has again lost his licence. However, it appears that he is not eligible to make an appeal before December of this year, which is one year after his previous appeal.

The situation now is that he has been offered an apprenticeship at Lonsdale in the southern part of Adelaide. This is an industrial area and it is not easy to reach by public transport, especially as he would be required to make an early start and he might also be required to work later than normal hours.

As well as being approached by the parents of this youth, I have been contacted by the prospective employer, who is a constituent of the member for Davenport. I know that the member for Davenport is also aware of problems in this area because I believe that the employer has approached him as well. The employer, in part of his letter to me, referring to the apprenticeship, states:

> I am prepared to hold this position open until 26 August so that he may be granted his P-plate for travel to and from work. Should hebe unsuccessful, then I am afraid that another candidate for the position will be chosen. Under the circumstances, leniency and common sense might be a course of action for the Minister as employment is hard to find and apprenticeships even harder.

I think we would all agree that was a very reasonable position. It is commendable that the prospective employer has been flexible in this situation. I raised this matter with the Minister and received a letter pointing out that the Motor Vehicles Act does not allow for appeal proceedings to be instituted within 12 months of a successful appeal against a probationary licence disqualification. The Minister concludes:

> While I sympathise with the situation that this young person finds himself in, there are no provisions available to me to exempt him from the licence disqualification period imposed.

If that is the correct interpretation of the Act—and I have no reason to doubt that it is not—I call upon the Minister to review this aspect of the legislation, because it is clear to me that the penalty imposed in this instance is out of proportion to the offence. This young person is in danger of losing the opportunity for an apprenticeship and prospective employment.

Mr S.G. Evans: His whole career is at stake.

Mr HOLLOWAY: His whole career, as the member for Davenport says, is at stake, and all because he did not have his probationary licence in the car, for justified reasons which were beyond his control. I call upon the Minister to review this aspect of the legislation and bring in some amendments as soon as possible which will allow her to have discretion to deal with cases such as this.

Mr BLACKER (Flinders): I wish to draw the attention of the House to the unfair treatment that has been occurring or is expected to occur as a result of the interpretation of the 1992 Federal budget announcements with regard to share investments. Last Friday my attention was drawn to the mathematics that are being used in assessing these share arrangements. In the 1992 Federal budget the Government announced several changes to the social security system. These included a revised treatment of direct share investments from 23 September 1993. Following that, the September 1992 edition of the *Age Pensioner News* (published by the Department of Social Security) proudly proclaimed:

> . . . the treatment of shares under the. . . pension income tests will become fairer following budget initiatives. . . Allowing losses on shares to be offset against gains on other shares (or managed investments) is a more equitable treatment of a person's investment portfolio.

At the time, the mathematics of the new system had not been detailed and many people would have assumed that the Government and the Department of Social Security announcements honestly portrayed the situation. However, that is not the case. Now that we have obtained the details of the system, we have uncovered a serious anomaly which may seriously disadvantage many, if not most, pensioners holding direct shares after 23 September 1993. To understand the problem, I refer the House to a mathematical example assuming two shares A and B with the following returns over the past 12 months:

Shares	Value 1 Yr Ago $	Value Today $	Dividends in Past Year $	Total Return Past Year $
A	20 000	30 000	1 000	11 000
B	20 000	8 000	1 000	(11 000)

I would have thought that an $11 000 gain on one portfolio and an $11 000 loss on the other portfolio would balance out, but that is not the case. The Department of Social Security has assessed the rates of total return and converted them to a percentage rate, then applied to today's share values as follows:

$$A = \frac{11\,000}{20\,000} \times \frac{100}{1} = 55\%$$

$$B = \frac{(11\,000)}{20\,000} \times \frac{100}{1} = (55\%)$$

These rates of return are projected forward as income for the next 12 months, as follows:

A	=	$30 000	x	55%	= $16 500
B	=	$ 8 000	x	(55%)	= $ 4 400)
					$12 100

It is essential that I bring this issue to the attention of the House. Every member of this House and every citizen of South Australia should understand that the method of accounting being used by the Department of Social Security regarding the assessment of the pension share entitlement is very unfair. It certainly does not operate according to the true intent and spirit of the statement that was made. Thus for income test purposes, this share portfolio is assessed as producing $12 100 of assessable income over the next 12 months. So much for the claim by the Department of Social Security that gains will be offset against losses! This same analysis applies to managed investments from 25 March 1993.

I hope that every member will discuss this matter with their pensioner constituents, because I am sure they are now starting to understand the gravity of this situation. An $11 000 profit against an $11 000 loss, according to my understanding, would balance but, in this case, that is not so.

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

ENVIRONMENT PROTECTION BILL

Adjourned debate on second reading.

(Continued from 4 August. Page 51.)

The Hon. D.C. WOTTON (Heysen): The Opposition supports the legislation. The Liberal Party has been committed to the introduction of an Environment Protection Agency for some time. In fact, in our 1989 policy, and in the current policy which is yet to be released, emphasis is placed on the importance of the establishment of such an authority in this State. In recent months I have taken the opportunity to speak at length with my colleagues in the eastern States and with the senior management and officers of the EPAs in New South Wales and Victoria, and to a lesser extent with my colleagues and senior officers associated with the EPA in Western Australia.

I wish to clarify a situation at the outset. I was disappointed to learn today that the Minister has publicly accused me of refusing a briefing, either from EPA officers or from other officers in his department. I reject that totally. When the Chairman of the EPA contacted me and offered me a briefing (which I appreciated), I told that officer that I would be happy to do so when I was in a position to ask relevant questions and to seek information from that officer.

The same thing was said in response to other officers who have contacted me. One of the most disappointing things about this whole situation is the lack of consultation that has taken place—

The Hon. M.K. Mayes interjecting:

The Hon. D.C. WOTTON: The Minister goes into a spasm about that fact. It shows how out of touch he is with the community and with those people who will be affected by this legislation if he persists with that attitude.

The Hon. M.K. Mayes: That is a reflection on those officers.

The Hon. D.C. WOTTON: It is not a reflection on the officers but on the Minister. I am aware of what has happened. It has been said that some 80 submissions have been received from persons who have an interest in the proposed EPA. What has happened, although I do not have the details, is that 80 submissions may have come in response to the original Bill that was drafted, which is very different from the Bill we have before us presently. That Bill was drafted and circulated, then withdrawn and redrafted. The Minister knows that and so do the people who will be affected by and who have an interest in this legislation.

I know that there was very little time between the final drafting of this Bill by Parliamentary Counsel and the taking of the legislation to Cabinet and, in fact, in bringing it into this House. I have sent this Bill and a copy of the Minister's second reading explanation to over 30 organisations or individuals in this State who I believe have an interest in this Bill. Up until this morning I have had seven responses, three of which are interim reports. I have had numerous telephone calls. In fact, I spent most of the weekend and yesterday contacting the people to whom I have sent copies of the Bill asking for their responses, and they have been unable to provide those responses because each one has said he has not had time to consider the Bill before the House.

They have all referred to the fact that the proposal has been around for a long time. All, particularly in industry, have made known that they are keen to have some certainty in environmental law and do not want the Bill to be delayed. I understand those concerns. But one must realise that notice of this Bill was given only two weeks ago today and it was in fact introduced the Wednesday before last; it has 142 clauses and is a very complex piece of legislation. What one organisation and one industry after the other has said is 'Yes', they have been asked to consult in relation to this legislation, only by being told approximately what was in the legislation and then a response being sought.

I would like the Minister (when it is appropriate for him to do so) to stand up and tell the House how many organisations and individuals who have an interest in this Bill had it more than a week before it was introduced into this House. There would be very few, if any. That is a particular disappointment, because it is important legislation. It is probably the most important environmental legislation that has been introduced into this House. That is recognised. In fact, the legislation in its broader sense is welcomed by the Opposition.

It is because of the importance of the Bill that it is particularly disappointing that more opportunity has not been provided for people to study the Bill presently before the House. The other thing that disappoints me is that I would have thought the opportunity would have been taken to seek advice (and I would certainly have liked to have been able to

seek advice) in regard to this legislation from other EPAs in Australia, particularly from that in Victoria, which has been established for a very long time.

It is a very successful authority, recognised by business and by the conservation movement as being an excellent advocate for those who are concerned about environmental protection in Victoria. I should have thought it would be appropriate for the Government and the Opposition, indeed, to have been able to consult with those organisations over the legislation. As I pointed out at the commencement of my presentation, I have taken the opportunity to speak to the Director of the EPA both in Victoria and in New South Wales and, to a lesser extent, in Western Australia, but I would have liked to have some feedback from them, bearing in mind that they have been involved in these activities (particularly in Victoria) for a long time.

It would have been appropriate to have been able to obtain some feedback from them regarding the legislation. Regrettably, that has not been possible. In fact, it was only this morning that I received some information as a result of my sending the Bill over to them. I reject totally the Minister's suggestion that I refused briefings. If the Bill had been provided earlier or if the Parliament had been given more time to consider the legislation and, more importantly than just considering the legislation, had time to consider the representations that came back from organisations, from industry and from individuals, I might have been in a position to ask specific questions of those providing the briefing.

As it is, the major responsibility I will have in this House during this debate will be that of questioning. Most of the debate will occur in the other place, as will most of the amendments to be moved, and I suggest that most of the debate from that place will come as a result of its members having received representation from those from whom we have sought comment. I repeat that, out of over 30 people and organisations from whom I have sought comment, at this stage only seven have been in a position to respond.

I invite the Minister or any of his officers to contact any of those organisations—and the Minister would know which organisations they are—and ask them why they have not responded. He will be told that it is because of a lack of time and a lack of opportunity to consider the Bill.

There are other organisations. I know what has been going on, even today, with representatives of the Conservation Council, for example, and other organisations who are desperately seeking further information in regard to this legislation. They, like me, and other of my colleagues, have been working throughout the weekend trying to obtain information, trying to obtain comment from other people and trying to prepare detailed submissions to put before the Government. I know that the Conservation Council for one is still in the process of doing that and has held meetings this morning trying to seek information and trying to indicate its concerns to the Government.

The Hon. M.K. Mayes interjecting:

The Hon. D.C. WOTTON: Yes, the day that the Bill is being debated. We are told that this Bill will be debated today and will be concluded by tomorrow. It has 142 clauses, and it is of one of the most important pieces of legislation to come before this House. I invite the Minister to look at the debate in Victoria, New South Wales and Western Australia and the length of time that was devoted to the legislation after its introduction.

The Hon. M.K. Mayes: You cut funds in Victoria.

The SPEAKER: Order!

The Hon. D.C. WOTTON: The Bill, as we recognise, to a very large extent is enabling legislation. There will be considerable interest in the policies and regulations that will come out of this Bill. I know that some people have had the opportunity to look at draft regulations, but the Opposition has not had that opportunity. The other area of extreme importance is the way that this legislation and the EPA will be administered.

As I said earlier, the Liberal Party is committed to the introduction of an Environment Protection Authority. The Liberal Party is committed to providing a clean and safe environment, and environmentally sustainable development, for the benefit of all South Australians. I repeat: the Liberal Party supports the formation of a South Australian Environment Protection Authority. If the present Government had not brought down this legislation, the Liberal Party would have been committed to do just that. We would have introduced an EPA of a size and form that reflects the State's needs. The EPA will bring together major pollution legislation under one umbrella measure.

Under the Opposition's legislation, we would have ensured that where other agencies have responsibility for environmental pollution the EPA would have had a performance auditing role. An EPA would have been designed for simplicity of understanding and minimisation of direct Government intervention. It is important to support the establishment of national pollution emission standards, national environment quality goals and national policies for the abatement of pollution, but I will have more to say about that a little later. It is also important that we encourage the introduction of non-polluting technologies. It is important that industries with a high potential to pollute are required to provide the EPA with environmental audits of their activities as monitored by an independent organisation. It is important also that the legislation makes all people whose actions, or inaction, result in pollution incident accountable for their decisions, and that should apply equally to industrial and EPA management and to the work force of those organisations.

There is no doubt at all that this State needs an Environment Protection Authority. That has been made obvious in recent times in a number of ways and on a number of occasions. Probably one of those was on 10 July when the *Advertiser*, before anybody else, was made aware of the release of the State of the Environment report. It was interesting that it was recorded at that time that that report was to be have been released on that day. I understand that it has been released today. I am not sure what happened in the meantime, but obviously there was a need for further work on the report, or it was not in a condition to be released at that time. The *Advertiser* reported the release of the State of the Environment report, and went on to say: The South Australian environment is being battered by declining water quality, increasing salinity problems, rabbits devouring the native landscape and destruction of marine life. Total loss of productivity from soil erosion and loss, and salinity and damage caused by feral animals, is estimated at more than $1 billion over the past five years. A major State Government report—five years in the making—reveals astonishing levels of land degradation, salinity and water pollution.

A lot of interest was shown in that article, and many people made contact with my office seeking a copy of the report. In fact, I tried to obtain a copy of the report but was told that none was available.

The Hon. Jennifer Cashmore: It's not in the Parliamentary Library.

The Hon. D.C. WOTTON: That is because it was released only today. However, the *Advertiser* told us all about it more than a month ago on 10 July. The *Advertiser's* editorial of 12 July referred to the report as a 'thoughtful charter for South Australia' and stated:

> The report on the State of the Environment in South Australia is not the kind which generates fierce controversy and instant public attention.

That is if the public have the opportunity to see it. It continues:

> Nor does it address problems which lend themselves to pithy recommendations and quick solutions. That, unfortunately, is the point. We inhabit a huge but fragile part of a huge and fragile continent. In developing it, some appalling and costly mistakes have been made, most of them unwitting.

The costs are still with us. The report suggests a bill of the order of $1 000 million over the past five years. Some remedies have already been applied while others, especially in water quality control, will prove necessary in the short and medium term. The editorial goes on to say:

> These reports together make a quiet but compelling case for the proposition that one of the abiding, principal concerns of all South Australian Governments must be good husbandry, intelligent planning and thoughtful resource management. But, without them, South Australia will become all blighted desert; such is the importance of this thoughtful report.

I would suggest such is the importance of the Environment Protection Authority Bill in this State. Back in July 1991 there was a discussion paper regarding a proposal for a South Australian Environment Protection Authority and a charter on environmental quality. That discussion paper was freely available, and again I make the point that it is very disappointing that, although this discussion paper was first made available and comment was first sought in 1991, we have less than two weeks for comment on the legislation that will establish the authority and provide the complexities under which it will work. The white paper of July 1991 stated:

> The South Australian Government is planning a major reform of our laws and arrangements for dealing with pollution and waste management. The purpose is to improve environmental protection. We need to make sure that air and water pollution, noise, land and marine pollution and waste products are minimised and effectively controlled. Environmental quality is recognised as an important aspect of the quality of life we enjoy. Improving our environmental protection effort now will help South Australia avoid the more serious environmental damage experienced elsewhere. The Government's new approach to environmental protection involves seven key initiatives:
>
> Establishing a South Australian Environment Protection Authority (EPA) as the prime agency responsible for protecting the State's environment from pollution and waste problems; introducing a new Environment Protection Act dealing comprehensively with environmental contaminants and waste management and integrating the various regulatory controls into a coordinated and streamlined environmental protection system; strengthening the link with the planning and development control process.

The other thing that is disappointing about the introduction of this Bill at this time is that it was always intended that the EPA legislation—the legislation before us at the present time—and the Development Bill in particular should be introduced as a package. It was always intended that that should be the case, and I think it is a great pity and disappointment that that has not occurred. One of my concerns about this legislation is that I do not believe that it relates as well as it should to what is now the Development Act. If the two Bills had been debated concurrently, that would have been a lot more obvious, and more opportunity would have been available to look at both pieces of legislation together to determine whether there was a need for amendment to ensure that as they came out of Parliament the Bills did fit together appropriately.

The white paper went on to state that the Government was working towards opening up the regulatory controls, standards, policies and decision-making process to public consultation and scrutiny. There is some question about that, because we realise that third party appeal and other provisions have been removed from the original Bill, which has been rewritten, and there is concern about that. The white paper goes on to propose:

> Combining staff from a number of Government agencies, each administering aspects of pollution and waste management into a single environmental protection office and inspectorate; providing the EPA, other Government agencies and staff administering the laws with a charter on environmental quality to guide their work; encouraging industry and others to adopt environmental improvement programs in line with the charter.

There is still much to be done to introduce the recommendations or suggestions in that discussion paper. I realise, as I said earlier, that a lot of comment came back regarding the white paper and the Bill, and I reiterate that I regret that in terms of this Bill the same opportunity for comment has not been afforded.

There is no doubt that interest in environmental issues has risen to an unprecedented level in recent times. This signals a developing environmental ethic within the community, which now expects and is demanding a cleaner environment. I am sure that all members of this House would be particularly pleased with the increased interest in and recognition given to environmental issues by our younger generation—by those who are attending school and those who have just recently passed through their junior forms of education. I believe those young people are already committed to do much to protect our environment in this State and this nation.

There is no doubt that the community generally is demanding a cleaner environment. There is also no doubt that the community is demanding, and has a right, to know about the environmental challenge which faces our society. People must have access to information which will enable them to make informed decisions and choices about the impact of their activities and demand for consumer goods on the environment, and the environmental industry has a responsibility to ensure that the community is fully informed about the impact of products, goods and production methods on the local, regional and global environment. With a greater understanding of the issues and the reality of the risks in our industrialised society, the public can do a lot more to help solve the problems we face.

While recognising that many serious environmental problems still confront us, we should also recognise that we are in advance of most countries. This gives us the opportunity to become leaders and set standards for others to follow, and that is a challenge for all of us. Global issues in general clearly came into prominent focus in recent years. Environmental problems can no longer be considered solely in a regional context; increasingly, national and international concerns and decisions are impacting on local policy.

I will refer to just three or four of the submissions that I have received regarding this Bill. One of them is from the South Australian division of the National Environmental Law Association, representatives of which have provided a brief response to this Bill. As background they have reminded me that the association made a submission of 32 pages in response to the Government's discussion paper proposal for

a South Australian Environment Protection Authority. NELA also made a submission of 30 pages in response to the Government's draft Environment Protection Bill 1992. In that submission (and it has made a copy of that submission available to me), NELA highlighted the positive and negative features of that Bill.

It makes the point that the National Environmental Law Association has not been consulted on the Bill since that time, with the exception of occasional contact by telephone. That is disappointing indeed, especially for a national organisation with the standing that it has. NELA had a confidential briefing about the revised Bill on Friday 30 July and first obtained a copy of that Bill on Wednesday 4 August, when the Bill was actually introduced into the House.

I now refer to the submission that NELA has provided to me. It makes the point that the revised Bill is significantly different from the Bill placed on public exhibition. It is a substantial piece of legislation and it has been impossible for NELA to undertake a detailed assessment of the revised Bill in the time available—less than two weeks. NELA is a voluntary organisation and each member of its executive and the Environment Protection Authority Committee works full time. Regrettably, that means that the views expressed in this memo can be only general in nature and must be qualified by the statement that NELA reserves the right to expand upon its views once it has had the opportunity to consider the revised Bill in more detail.

This is a submission that I received the day before yesterday and is one of those from groups that have made representations to me in an interim capacity. I reiterate, and I will continue to reiterate, that it is extremely disappointing that an organisation with the standing of the National Environmental Law Association is not able, by the time debate commences on important legislation such as this, to provide the Opposition with a detailed response relating to its support or concern about this Bill.

NELA makes the point that it maintains its strong support for the establishment of an Environment Protection Authority and an Environment Protection Act to consolidate existing environmental legislation. NELA states that it generally supports the revised Bill. In particular, it supports the establishment of the Environment, Resources and Development Court and the referral of any disputes arising under the revised Bill to that court; the inclusion of both civil and criminal enforcement in the revised Bill; the emphasis on civil enforcement and the range of enforcement orders available (and I will refer to that in more detail a little later); the recognition of the principles of ecologically sustainable development; the establishment of the Environment Protection Advisory Forum; the establishment of the Environment Protection Fund; the imposition of a general environment duty; the automatic operation of national environment protection measures; public notice being given of applications for environmental authorisations; and environment improvement programs.

NELA goes on to refer to environmental performance agreements; environmental protection orders; clean up orders; the establishment of the public register; and so on. It supports those provisions of the legislation, but NELA then reiterates that it is an interim report and that it does not support the following features of the revised Bill that it considers are deficient: first, the time allowed for consultation and debate on the revised Bill; and, secondly, that the right to take civil enforcement proceedings has been restricted to the authority or a person with common law standing. NELA makes the point that it is strongly of the view that any person should have such a right.

NELA cannot understand why the standing given to any person under the Development Act 1993 has not been repeated in the revised Bill. NELA is of the view that the revised Bill must be brought into line with the Development Act, and that is a view that I share strongly. NELA makes the point that there are considerable checks and balances contained within the system to allay any fears of frivolous or vexatious proceedings, and I will say more about that provision later.

NELA states that it is aware of the concerns expressed by the Conservation Council and the ACF about the composition of the Environment Protection Authority. It believes those concerns are justified and supports them. It considers that the revised Bill should be regarded as legislation for the benefit of the whole community, and it strongly supports the right of the community in appropriate circumstances to gain access to information about the application for, and grant of, environmental authorisations, environment protection orders, environment performance agreements, clean-up orders and the results of monitoring; and NELA also supports in appropriate circumstances the right to make third party appeals. It considers the revised Bill—the Bill we are now debating—to be deficient in these aspects.

NELA also makes the point—one to which I have already referred and which I will reiterate later—that there is insufficient integration between the revised Bill and the Development Act. As I said earlier, that is one of the most disappointing features of the debate at the present time. That is especially so with respect to environmental impact statements and the referral of development applications by the planning authority to the Environment Protection Authority.

It would not be a surprise to the House to learn that I have also received representation from the Conservation Council, representation which is supported by the ACF and the Australian Centre for Environmental Law. I want to refer specifically to that submission recognising, as I said earlier, that even as late as this morning representatives of these groups were having meetings with officers of the EPA and the Minister's department. In a joint submission from the Conservation Council of South Australia, the ACF and the Australian Centre for Environmental Law, it is stated:

> The Environment Protection Bill introduced into the House of Assembly on 4 August provides for many overdue reforms to the current system for environment protection in South Australia. The establishment of an Environment Protection Authority with independent functions in relation to works approvals, licensing and enforcement, the provision for an integrated approach to licensing, and the introduction of new administrative powers to issue orders with respect to environmental protection, clean up and information discovery will significantly enhance existing statutory arrangements.
>
> However, a number of difficulties and uncertainties also arise from the Bill, which is substantially altered from the draft Bill released for public comment in July 1992. The most significant problems are:
>
> 1. The composition of the EPA and Advisory Forum.
> 2. The absence of adequate provisions for referral of development authorisations to the EPA.
> 3. The failure to provide for third party appeal rights.
> 4. Qualifications concerning when civil enforcement proceedings may be brought by parties other than the EPA.
> 5. The extent of the exemptions provided for by the Bill from its own provisions.

Alongside these concerns these three organisations have suggested that there are also broader limitations, which are some cause for disappointment, including the failure to

explicitly address emerging concepts such as community right to know requirements, greenhouse and biodiversity concerns and land contamination. However, the above matters represent the areas of the Bill upon which the greatest focus should be placed during the course of its debate in the State Parliament, since there are relatively simple amendments which could address these particular concerns.

The concerns are: first, the composition of the Environment Protection Authority and the advisory forum and, in particular in referring to the authority, the proposal to delete the clause and substitute a provision to ensure that there is a representative of the Conservation Council as part of the authority. That would bring the provision for membership from environment conservation interests into line with the provision for membership from local government. It would also help ensure that membership includes a person with an environmental watchdog role and expertise. I and my colleagues would share that need.

Representation has also been made concerning the composition of the forum. They are suggesting that alterations to the Bill should bring community representation up to a number equal to industry representation and bring membership from the peak environment conservation body into line with representation from peak union and local government bodies. They refer to referrals and concurrences under the Development Act.

The relationship between the Development Act and the EP Act is crucial in relation to works approvals where a pollution prevention approach requires input from the EPA at the same time as development authorisation is being considered. This enables technical input into the project design before works are commenced. In order for this to occur a referral of development authorisation applications must be made by the relevant planning authority to the EPA. The procedure for such referrals must be spelt out in detail by the relevant regulations under the Development Act. At present there is no such provision.

In the penultimate draft of the development regulations, dated 15 July 1993—and, I repeat, the Opposition has not had the opportunity to see those regulations—schedule 8 simply reiterates the existing arrangements for developments having primary and secondary impact air pollution potential to be referred to the Minister of Environment and Land Management.

It is suggested in the submission that an officer of the EPA, on 11 August, advised that schedule 1 of the Environment and Protection Bill would be inserted in the draft of the development regulations but, until the EPA is created, referral will be to the Minister. There are points that need to be clarified in that regard. This proposal raises several issues that we need to have some answers on: first, which Minister are we talking about? I would suggest, as does the Conservation Council and the other groups, that the responsible Minister should be the Minister of Environment and Land Management but that is not spelt out. Secondly, will referral of schedule 1 matters give rise to a regard, concurrence or direction situation? Again, this group has suggested that it should be direction pursuant to section 37(4)(a)(ii) of the Act, since this is the only means by which the EPA can insist on a refusal or specific conditions. Thirdly, will other development proposals not covered by the first schedule of the EP Act be required to be referred for either concurrence or regard? They spell out that this may be appropriate, for example, to take into account a former category of secondary impact air pollution potential proposals.

A consequential question arises as to whether criteria for the giving of a direction by the EPA should be spelt out in this legislation as they are for licences. Given that licences must be granted where a project has received development authorisation under the Development Act, it would seem even more critical that statutory criteria be prescribed in relation to the exercise by the EPA of its powers to direct, concur, etc., in a development authorisation under the Development Act. Such criteria could then also apply to proposals not covered by the Development Act in requiring separate works approvals from the EPA; I would suggest under clause 40.

Presently the Bill provides for such criteria to be spelt out in environment protection policies. This could take considerable time, given the process for development of such policies and seems inconsistent with the approach taken by the Bill in the case of licences. It could and should be made clear in prescribing statutory criteria that the objects of the Act should be considered.

They go on to talk about third party appeals, and make the point that this proposal, to which I have just referred, has important consequences in relation to third party appeals. Under the draft 1992 Bill, a right to seek review is given in relation to:

(a) a decision to issue, make or give a notice or direction;

(b) a decision of the EPA in relation to an environmental authorisation (Part 7); or

(c) a decision of the EPA in relation to an approval, permit or exemption under Part 8; for example, water quality, beverage containers, wastes and ozone protection.

The right, whilst primarily given to a person aggrieved, was extended to a person who does not have a special interest with the leave of the court having regard to the matters specified in clause 137. Clause 107 of the new Bill we are now debating allows for repeals in relation to works approvals or licences, and that includes transfers thereof and also relates to transactions, environmental protection orders, information discovery orders or clean up orders. However, as the submission points out, a right of appeal is given only to applicants, holders or recipients of notices, etc.

The first matter that they have brought to my attention and to the attention of others, and I bring it to the attention of the Minister so that he can respond, is that this actually terminates some existing third party appeal rights in relation to licences. For example, the Water Resources Act provides in section 70 (7):

> if a person is likely to be detrimentally affected, has riparian rights and has made a submission on the proposed grant of or renewal of licence—

or, since persons are entitled to comment on proposed licences, and hence may be regarded as a person aggrieved so as to be entitled to apply for review. I think that matter needs to be clarified.

The second point is to dispute the proposition advanced by the Minister in the explanatory material accompanying the Bill, that with respect to works approvals the Bill will, by interaction with the Development Act, ensure that third party appeal rights exist for all new development proposals involving prescribed activities of environmental significance, that is, schedule 1 activities.

This proposition depends on the provision of the Development Act and the regulations thereunder, whereby third party rights are created. In broad terms category 3 development is subject to third party appeals pursuant to section 86(1)(b) of the Development Act.

However, it should be noted that the assignment of development to category 1 or 2 by the regulation so as to preclude third party appeals, or even public notification in the case of category 1, is subject to any assignment by the relevant development plan of the Development Act. Hence, councils as planning authorities may preclude rights of third party appeal by changes to their development plans. Also, activities listed in category 2 include petrol filling stations, light industry and general industry within appropriate zones. These are all activities which are likely to fall within the EPA's jurisdiction under the first schedule to the Bill, yet no appeal rights will be available to third parties in such circumstances, although it is pointed out that they may still need to be referred to the EPA for direction. The other point is that Crown activities are not subject to the normal provisions of the Development Act, but are to be subject to the Environment Protection Act. Thus, a proposal caught by the latter Act could not be subject to any third party appeal.

The last point in that area is that, most significantly of all, clause 86(1)(b) appears to preclude an appeal on matters other than planning merits in so far as it limits third party appeals to the extent that the appeal relates to the assessment of the relevant development against a development plan. The submission makes the point that these words do not appear to allow the third party to appeal on environmental merits against a decision of the EPA to accede to an application or to conditions imposed by the EPA. They have put forward three or four proposals that will overcome that problem. They refer, by way of qualification, to the fact that it may be considered appropriate to limit such third party rights of appeal to parties which have made submissions in relation to the relevant approval licence or development authorisation. During the Committee stage I intend to ask the Minister a number of questions regarding some of the issues that have been raised in regard to third parties.

Regarding civil enforcement proceedings as they relate to standing, the 1992 Bill allowed civil enforcement proceedings to be brought by a person, other than the authority, who does not have a special interest or who may be affected by the contravention to which the application relates. As we know, this has been altered in the 1993 Bill so that proceedings may be brought only by the authority or any person whose interests are affected by a contravention to which the application relates or who would otherwise have standing to pursue a remedy at law or an equity similar in nature to the order sought. That is referred to in clause 105(7).

The significant retraction—that is the way that these three groups have put it—of third party standing to bring civil enforcement proceedings, apparently in response to complaints, is an extremely unfortunate about face. The existence of such rights in legislation elsewhere in Australia, at both State and Commonwealth levels, and in the new Development Act provide ample precedent for the inclusion of a broad standing provision in this Bill. Claims that this will open the floodgates 'to obstructive and unmeritorious litigation' have been repeatedly refuted by expert evidence and opinion. Again, they set down proposals that they believe could overcome these concerns, and I shall refer to some of those proposals during the Committee stage. I also want to refer to the letter that we have received from the Chamber of Commerce and Industry. They make the comment:

> In response to your request for the chamber's views on the Environment Protection Bill, the chamber first put forward submissions in response to both the discussion paper on a proposed EPA and the draft Bill which was circulated in 1992.

We have copies of both of those submissions. The letter continues:

> The chamber is reasonably content with the degree to which our proposals have been accepted and included in this redrafted Bill. Our environment committee met earlier this week and some concerns regarding certain clauses were raised. These can be summarised as follows:
>
> Clause 29 prescribes for the automatic adoption of national environment policies which may not have regard for different problems confronting each State. The chamber recognises that the determination of these national standards is subject to a process in the context of the inter-Government agreement on the environment. However, to the extent to which this process is outside this piece of legislation, the chamber believes that the Government needs to be conscious of the potential problems in automatically adopting national standards.

Again, that matter will be referred to in Committee. Another concern that they have is that the penalties that can be imposed are too high. That is of concern to business, but I think it is generally recognised by business and the community that these penalties need to be fixed, as they are in this legislation, and the Opposition has no concern about those penalties.

The third point that they raise relates to the provisions requiring discovery of documents to the authority in part 10, division 3, of the Act. They seem extensive and will potentially require the production of sensitive internal material. They make the point that this style of legislation is very much enabling legislation, and they indicate that, while they have no problems with that, the management approach of the EPA becomes the crucial issue. That point has been made on a number of occasions.

For the EPA to achieve the support of the business community, it must adopt a cooperative role with business rather than a confrontationist approach. That point is made by the chamber and it is one with which I concur. Their overriding concern is that the EPA, without the right direction and control, will have a negative impact upon investment and confidence in this State. They make the point that this State can clearly not afford now or in the immediate years ahead to place that negative impact upon investment and confidence. In summary, they accept that the EPA will be established in this State and that the proposed legislation, subject to the concerns to which I have referred, should be allowed to pass.

I have also received a submission from BHP Steel generally in support of the legislation, but expressing a couple of concerns. They make the point:

> BHP Steel recognises the need for legislation of this nature and supports in principle the objects and principal themes of the Bill. Notwithstanding this, we have some continuing concerns that are as follows. In definitions, an attempt has been made more clearly to define terms such as 'environmental harm' and its categories, 'environmental nuisance', etc. It is recognised that this is a difficult area. However, as currently written, the definitions will result in the EPA, under clause 84, being contacted on virtually all industrial incidents.

They have expressed concern about the transitional provisions. Some of BHP Steel's concerns in this area have been addressed by clarification of the policy-making process, the inclusion of economic considerations as part of the specific objects of the Act and the provision of exemptions. They are still not clear about the exact mechanism by which current environment licences will be converted to relevant environmental authorisations.

They would appreciate further clarification of proposed procedures and fee structures. With respect to bonds, further definition has been included as to the circumstances in which

a bond would be required in principle. BHP supports the basic themes of this provision. However, as written, this provision could result in the forfeiture of the bonds of a minor or trivial non-conformance. With respect to enforcement, BHP is still concerned that police officers and council employees receive appropriate training to carry out the responsibilities of authorised officers even though these responsibilities may be limited in nature. Finally, in regard to automatic adoption of national environment protection measures, BHP Steel's concern is that national standards, for example, water quality, may need to take into account the specific local environment for such standards to be relevant.

Again, I make the point that, when we recognise the submissions that have been made, there are many others who have not had the opportunity to return expressions of concern or support, whichever the case may be, for the legislation because of the lack of appropriate time made available by the Government for the debate of this Bill.

Another concern that has been brought to my attention relates to environmental protection policies. Clause 27(2)(b) allows policies to set out controls or requirements to be enforceable as offences, but it is only in limited circumstances that either House of Parliament may disallow a policy. While the policies may be referred to the Environment, Resources and Development Committee—and I believe that is totally appropriate—that review is likely to be environmental rather than legal, and there are other concerns about that as well.

Because these policies become the basis for civil and criminal proceedings, it is felt that they should be treated in the same way as subordinate legislation, which means they are laid on the table of both Houses, unlike the provision in this legislation. The legislation provides that they should go before the Environment, Resources and Development Committee, and it is only if that committee has a particular problem with those policies that they are then directed to both Houses of Parliament. It is felt that there is a need, after the opportunity has been provided, for that committee to consider the policies and for them to go before both Houses of Parliament and to be subject to disallowance provisions.

Clause 105 refers to a repealed environment law and action allowed to be taken under that law. It suggests some retrospective operations, that is, if a repealed law does not provide for action for a breach of that law, the Bill suggests that there will now be power to take action. That being the case, if that is what is intended, and I believe that it is, there is a need for that provision to be amended, and we will act accordingly at a later stage. Clause 3(1) refers to the prescribed national scheme laws. There is concern that this may bypass the State Parliament and South Australia may have to wear these laws even though they are not necessarily in the State's interest.

It may be that the Government loses control if decisions are taken by the Commonwealth or a majority of the Commonwealth States and territories. I believe that there is a need for that matter also to be considered. Under clause 15 there are concerns about the five year appointment for chairpersons. Under clause 24 there is a feeling that it should have appropriation and not be at the behest of the Minister or authorities. Again, I will refer to that in more detail later. Clause 77 should be by way of regulation. In clause 87(3) it is felt that the authorised officer should have to produce ID and not wait until asked.

Under clause 88(5) there is a need to ensure that no costs are to be incurred. Clause 105 deals with exemplary damages. I am not sure whether this is available under the environmental action. Perhaps we need some further advice on that. I would like the Minister to indicate in regard to that provision of the Bill what the situation is in the other States. In clause 107(3)(a) it is felt that the 14 days should run from the date of service, as the order may not be served immediately after it is made. Under clause 115(1) why should the authority carry on operations when it is also the regulator? There seems to be a conflict in that area.

Under clause 141(8) there is some concern about the removal of power from the Legislative Review Committee. Under schedule 1, page 104, should the Stony Point indenture be attached? Clause 3 of schedule 2 is another area that requires specific questions and answers to be provided. The Bill is supported by the Opposition, and I have already made that point. Other concerns will be referred to in Committee, and I know that other concerns will be raised by my colleagues. With the establishment of the EPA in this State, I hope that there will be a close working relationship between the EPA in this State and those in other States. I believe it is essential that that should happen.

I have enjoyed immensely the opportunity I have had to talk to the directors of those other EPAs, and I mentioned earlier the support that I have particularly for the authority in New South Wales, which has served that State over a very long time, with a charter I think is exceptional and objectives which are:

> To protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development.
>
> To reduce the risks to human health and prevent the degradation of the environment by means such as the following:
>
> · promoting pollution prevention
>
> · adopting the principle of reducing to harmless levels the discharge into the air, water or land of substances likely to cause harm to the environment
>
> · minimising the creation of waste by the use of appropriate technology
>
> · regulating the transportation, collection, treatment, storage and disposal of waste
>
> · encouraging the reduction of the use of materials, encouraging the reuse and recycling of materials and encouraging material recovery
>
> · adopting minimum environmental standards prescribed by complementary Commonwealth and State legislation and advising the Government to prescribe more stringent standards where appropriate
>
> · setting mandatory targets for environmental improvement
>
> · promoting community involvement in decisions about environmental matters.

That is one I feel very strongly about. It is vitally important that the EPA in this State at every possible opportunity consults the community and makes the community aware of its opportunity to make representation. The charter continues:

> · ensuring the community has access to relevant information about hazardous substances arising from, or stored, used or sold by, any industry or public authority
>
> · conducting public education and awareness programs about environmental matters.

That is a vitally important objective, and I have been most impressed with the excellent educational material that has come out of both Victoria and New South Wales, educational both for our younger people and for those who are in business and have to work with the legislation and with the authority itself. I feel that the EPAs in New South Wales and Victoria in their presentations have done much to encourage the people of those States to have a greater interest in and desire to protect their environment.

I am conscious of the time. I could refer at much greater length to the reports and information that have come out of the EPAs in other States but, in conclusion, I would like to refer particularly to the New South Wales Environment Protection Authority and the state of environmental reporting in that State, as follows:

Section 10 of the Protection of the Environment Administration Act 1991 requires the EPA to publish a report on the state of the New South Wales environment every two years, beginning in 1993. On alternate years from this year, the EPA must include in its annual report a statement on any matters considered relevant to the state of the environment, as in the discussion below.

Work has begun on the development of a suitable framework for state of the environment reporting. The EPA has prepared a discussion paper to seek the community's views on the scope and structure of the reports, including the environmental performance indicators they should contain. The aim is that the first report, to be published in October 1993, will have a structure appropriate for ongoing monitoring and reporting on environmental quality, and analysing trends.

The emphasis of the reports will be on measurement of environmental quality, balanced with some discussion of the causes of environmental problems. As well as gathering together reliable data on the state of the environment, publication of these reports will:

· in the short term, provide a snapshot of environmental conditions
· in the medium term, identify trends, unresolved issues and emerging environmental problems
· in the long term, measure the effectiveness of environmental policy against clearly defined targets.

State of the Environment reports will allow the EPA to:

· communicate information which decision makers can use to achieve better management of the environment and sustainable development
· provide environmental benchmark data for the assessment of the cumulative impacts of environmental policies, programs and actions over time
· identify unresolved issues and emerging environmental problems
· incorporate environmental considerations more fully into the decision making process
· raise public awareness of environmental issues by providing information in a readily accessible style.

Again, I refer particularly to that objective. I hope that the authority in this State will act responsibly and will adopt many of the same objectives as those that have been adopted interstate.

There is one thing that I have not referred to, and that is the reference in this legislation to the Beverage Container Act. I want to make the point that this is legislation that I find difficult to deal with. It is legislation that has proven to be effective in the cleaning up of this State. I do not believe there is any doubt about that. As far as litter control is concerned, it is legislation that is probably recognised more in other States because they like to use it as a big stick. It has been brought to my attention on a number of occasions that Governments in other States would sincerely hope that this State would continue to have this legislation on its statutes, because on numerous occasions those Governments can take industry to task, ensuring that it carries out its responsibilities appropriately by using the South Australian beverage container legislation as a big stick.

I am very much aware that there is a push in the community at present to extend the legislation relating to deposits on containers, particularly to include flavoured milk containers, juice containers and so on, and I have some sympathy with that. There is no doubt, if we are talking about litter, that, while bottles and aluminium cans no longer seem to be a problem, plastics and flavoured milk containers are very much in the litter stream at present.

Again, because of the short time that has been provided, I have not had the opportunity to consult as much as I would have liked in regard to this matter. I realise that those involved with the white milk industry have made attempts to speak with me, and arrangements have been made for that to happen in the near future. I am also aware of the call on the part of the conservation movement in this State to ensure that plastic milk containers are subject to a deposit. I am also aware that the recent High Court findings have determined that all containers within any market have to be treated equally; in other words, if there was to be a deposit for plastic containers for milk, a deposit would need to be placed on the current containers in the interim.

While I realise that flavoured milk and fruit juice relate to a different market and are recognised as being a major problem in the litter stream, I am informed that plastic containers for white milk are not expected to be a major item in the litter stream. That has been made clear in other States. It does not take away from the concern in the community about the use of plastics, the lack of opportunity for the recycling of plastics and the handling of those containers. I certainly recognise community concern about this matter.

I can only say that, with a change of Government, on coming to office we would look at this legislation carefully. We are committed in our policy to the continuation of the legislation, but particularly as a result of the High Court findings there is a need to look very carefully at how this legislation is administered. I can give an assurance that on coming to government we would address that matter. The Opposition supports the legislation and I look forward to the opportunity to question the Minister in detail on a number of issues that have been referred to and others that have not been referred to, and we will do that at the appropriate time.

The Hon. JENNIFER CASHMORE (Coles): The purpose of environment protection legislation should really be self interest of the highest order. The fact is that if we do not protect the environment, life literally will not be worth living. Unless we can control the adverse impact of human activity on the environment, we have no future—we have no political future, we have no economic future and we have no cultural future unless we have an environmental future. The reality is that, if human beings and any other living organism does not have an environment in which the soil is clean, the water is clean and the air is pure, systems break down and eventually the whole ecosystem upon which we base our capitalist economic system—because one is interdependent with the other—simply cannot survive. So our purpose in examining such legislation is to reconcile the overriding goal of human survival with our notions of political liberty and political responsibility.

This Bill has a long title which, in itself, is very interesting. The long title identifies that the Bill not only establishes the Environment Protection Authority and defines its functions and powers but also repeals six Acts: the Beverage Container Act 1975; the Clean Air Act 1984; the Environmental Protection Council Act 1972; the Marine Environment Protection Act 1990; the Noise Control Act 1977; and the Waste Management Act 1987. It also amends the Water Resources Act 1990 and the Environment, Resources and Development Court Act 1993. Each of these Acts, in its time, was pioneering legislation. It is interesting to contemplate that it is now less than 20 years since the Beverage Container Act, which was the forerunner of the environment protection Acts—many of which, I acknowledge, were introduced by Labor Governments—was first mooted. In this Bill we are looking at consolidating a number of the pioneering pieces of legislation of the last nearly 20 years. It is obviously

logical to consolidate what was previously a piecemeal approach that developed year by year in response to emerging problems and recognition of emerging needs.

It seems to me that there appear to have been genuine efforts by the Government in the development of the original draft Bill to consult very widely, and that is commendable. However, following that consultation there has been very little opportunity for consultation on the Bill that developed from that initial draft. The Opposition certainly would have welcomed more time, and I commend the member for Heysen in his diligent efforts to obtain opinions from those who will be affected by the legislation (and that, of course, is all of us) or rather those who will be specifically affected because of the activities they undertake or their special interests.

I will not attempt to canvass the breadth of issues that the member for Heysen has dealt with. I simply believe it is worth noting from the outset, given that the Parliament has not yet had access to the report on the environment released by the Minister only today, although apparently provided to the media some weeks earlier—

The Hon. M.K. Mayes: Not true.

The Hon. JENNIFER CASHMORE: I certainly have not received a copy, and neither have my colleagues. I gather that it has been released by the Minister today, and I am sure that the Minister will acknowledge that it would have been useful had members had possession of that document by way of preparation for debate on this Bill. It is an up-to-date analysis of the state of the environment in South Australia, and it should therefore be regarded as a companion document to this Bill, in my opinion. Given that it is not in our hands, I would like to refer to some pertinent facts.

The first is that more than 60 000 different kinds of industrial organochlorins have been manufactured in the past 50 years; many of them are highly persistent in their effects and are likely to enter the food chain and remain in it. Antifouling and other toxic substances have particular implications for the nation's fast-growing marine farming industries; plastics, particularly beer ties, fishing line and supermarket bags, are taking a toll on marine life; and plastic foam and containers now litter every beach. On land, we have oily run-off from roads, garages and industry, and this is a problem of enormous proportions in a city built on a plain as is Adelaide, which is affected by the run-off from the Hills that subsequently runs off into the sea.

There are numerous industries that have an adverse effect on the environment in the metropolitan area and in industrial towns in South Australia. In addition, there are all kinds of toxic effects on our soil structure as a result of the use of chemical fertilisers. So, if we are interested not only in personal survival and human health but also in economic survival and our ability to continue to farm and mine the land and fish from the sea, we have every reason to be interested in environmental protection. In examining the Bill, what I propose to do is simply to refer to several clauses that I regard as key clauses, having read it through.

I refer first to the concept of environmental harm, as defined in clause 5 of the Bill. It interested me that under clause 5(3)(b), environmental harm, including environmental nuisance, is to be treated as material environmental harm, with a price tag attached; serious environmental harm, with a somewhat bigger price tag attached if it results in actual or potential loss or property damage; and material environmental harm if it involves action or potential harm to the health or safety of human beings. In this clause there is no mention of ecosystems. I would be interested to note in Committee whether the 'actual or potential environmental harm of any other kind not referred to' deals with land, air, water organisms and ecosystems. If it does not, the definition is thoroughly inadequate and ought to be amended.

The Environment Protection Authority is established in a way that appears to be satisfactory, and its functions also appear to be satisfactory. One of its functions is to prepare draft environment protection policies. Further on in the Bill I believe we need to look at the validity of that function regarding the way we intend to administer it, and I will refer then to the political liberties and responsibilities to which I referred in my opening remarks.

I support fully the establishment of the Environment Protection Advisory Forum, which is the logical follow-on from the Environmental Protection Council, which was established in 1972. It is probably about eight years since one of its members publicly denounced that council and the Minister who administered it by resigning; that was Dr Tom Browning. I note that one of the redeeming features of the forum is that it is a representative body with the responsibility of advising the Minister, as was the Environmental Protection Council. Those functions became almost farcical, in so far as the Minister was not bound to take the council's advice, the council's advice was not made public and altogether it was a thoroughly frustrating exercise for those who were appointed to the council. The Environment Protection Forum, which has a representative role and an advisory function, could be very useful, depending, to a large extent I suggest, on the willingness of the Minister to consult and take advice—not only to listen to it but to heed and act upon it.

One redeeming feature of the Bill in respect of the forum is clause 23(9), which provides that the minutes of the forum must be kept available for inspection on payment of the prescribed fee by members of the public during ordinary office hours. I can only hope that the prescribed fee would not be such as to discourage the public from taking advantage of that provision.

I refer now to the policies. As I said, the first function of the authority under clause 13 is to prepare draft environment protection policies. Clause 31 provides for the reference of those policies in the first instance to the Minister, from the Minister to Cabinet and from Cabinet to the Environment, Resources and Development Committee. The Bill provides that the committee may suggest amendments or object to the policy and, if it has not dealt with the policy within 28 days following referral, the policy automatically becomes law.

The whole notion of policies becoming law is interesting and has to be watched carefully, because it involves questions of political accountability. Policies would normally be administered by a Government under Acts which have been passed by Parliament. This is a different concept, but it seems to me that this Parliament should declare yet again that all policies which have a legislative outcome should be subjected to scrutiny by Parliament and there should be mechanisms for Parliament to review those policies and to disallow if Parliament considered that to be desirable.

Clause 31 does not make that provision. I would suggest, with great respect to the Environment, Resources and Development Committee, that that is a very narrow base from which policy should be scrutinised. In my judgment, it should be the whole Parliament or at the very least the Legislative Review Committee, through the normal procedures of that committee. Those policies will in fact establish offences and also provide for penalties for those offences, and in my view it is not right that that sort of policy should be adopted

without reference to the whole Parliament. I therefore believe that clause 31 should be amended to provide reference.

Part 2, clause 105, deals with civil remedies. Again, there is no provision for standing to be provided to any bodies whom we might regard as public watchdogs. I think such a provision is essential. I can never forget that the Australian Conservation Foundation had first to deal with the case before the Supreme Court of South Australia to establish its standing before it could proceed to challenge the State Government's action in proceeding to establish a tourist resort in a national park in contravention of the National Parks and Wildlife Act and in contravention of planning law.

Unless we have provision for watchdogs acting in the public interest to appear before the courts without engaging in long and costly battles to represent the public interest, then I think we cannot say that we are really providing the framework in which our environment can be protected. We do need third parties who have the public interest at stake and it is not sufficient to say that the Government is always going to fulfil that role, because Governments have demonstrated in the past that the public interest is not necessarily the overriding interest if there is a greater political or economic interest.

So, I am very strongly in favour of providing civil remedies for third parties. Similarly, with appeals to the Environment, Resources and Development Court under Part 13 of the Bill, clause 107 provides for an appeal but it does not provide for third party appeals. There is no remedy other than the Supreme Court, which is a costly option for anyone unless they have considerable resources behind them. I refer briefly to the case of the Shell Company in North America, because for 20 years it ignored warnings about its responsibilities in respect of pollution.

I wish I had with me, but I do not, a major article which was in the New Zealand *Auckland Star* of 12 June this year. It outlined the consequences of licences continuing to be granted to Shell, which was ignoring its environmental responsibilities. As a result, claims for damages are now being taken against that company. They are at such a level that they threaten the very viability of Lloyds of London. These damages claims are running into not billions but trillions of dollars, and I would hate to think that such a thing could happen in South Australia. It is unlikely that it could, because our population is not of the order to sustain damages running into the trillions, but the fact is that third parties acting in the public interest, in my opinion, ought to have the opportunity to appeal to the court.

That opportunity is provided under the Development Act and it ought to be provided under this Act which, in my opinion, is companion legislation. One only has to look at schedule 1 of this Bill, which outlines the activities covered by the Bill, to see the massive potential for harm. We are talking about chemical storage, chemical works, oil refineries, wood preservation works, manufacturing and mineral processing, concrete batching, pulp or paper works, scrap metal recovery, tanning and scouring and a whole host of other activities that have the potential to damage permanently the soil, the water and the air of this State.

Our first responsibility is to protect the natural environment. This Bill certainly provides the framework for doing so. Nevertheless, I believe there are inadequacies in the Bill that ought to be addressed. They relate not only to the protection of the environment but also to the protection of political liberties and, in addition, to the preservation of political accountability. I hope that the Committee stage of the Bill will be fruitful and that when it finally passes both Houses, as I am sure it will, the Bill will be improved in the respects to which I have referred.

Mr FERGUSON (Henley Beach): I will be brief because I realise how time is of the essence with this measure. I support the Bill. I have seen the formation of this piece of legislation over a long number of years. As a subcommittee, we started looking at this issue in the last Administration and it has been carried forward into this Administration. It does take time to be able to put a Bill of this nature together. That time has come, although as the previous speaker has said there are some inadequacies in the legislation because, if we had waited until the measure was totally adequate, we would be waiting yet another term before we could start on the process on which we are embarking.

The fact is that it draws together all the elements of various other environmental measures, and that it should do so is unarguable. The only way that the environment can be protected, I believe, is by one single authority with the power to establish what is necessary to protect our environment. No-one will argue that this measure is the complete answer to the total protection of our environment.

I had the pleasure of accepting a travel grant from this Parliament to visit the United States of America to look at some of the environmental problems in that country.

Mr Lewis interjecting:

Mr FERGUSON: I beg your pardon—

The SPEAKER: Order! The member for Murray-Mallee is out of order. The member for Henley Beach will direct his remarks through the Chair.

Mr FERGUSON: I would love to see the USSR and see its problems there. In some ways America is ahead of us with some of its legislation, but in other areas it is behind us and in that area it has some monumental problems. I am thankful to the Clinton Administration for the way in which it was able to provide me with information on environmental matters. That brings me to the point concerning this legislation where, based on experience in other countries, the mere bringing down of legislation is not in itself normally a solution to the problem.

The American Congress brought down some wonderful legislation concerning environmental matters, but it foisted the responsibility onto the States and, more importantly, onto local government without any consultation with local government, and those laws are simply being ignored and not followed up. Even though the laws might be on the statute books, it does not mean that they have automatically been agreed to, and I believe that this Bill will need constant watching as the years go by. It is a mammoth task for the organisation involved to undertake. There are three matters that I would like to mention. First, I wish to congratulate the Minister and his staff on the way in which they have organised the financing of the organisation. I was concerned in the first instance, when this matter was discussed several years ago, about how the organisation would be funded. It was thought at that time that there should be a levy on industry to pay for the administration of this legislation.

Industry has been particularly heavily hit in recent years by a series of taxation increases, mainly from the Federal Government, in relation to the running of businesses. I could not have supported a further increase in the imposts on business in order to provide finances for the administration of this legislation. I am very pleased to see the way it has been done. It has been done by way of a levy on petrol taxes—a very

minute levy—which will hardly be noticed by anybody and by the gathering of money from the licences themselves.

I agree with the member for Coles that merely establishing a licence for a firm that is possibly polluting the atmosphere, waterways or the hinterland will not solve our problems. Once those licences have been issued it will take much consideration to determine how the pollution and pollutants are to be dealt with. The second matter I want to mention is my interest in the pollution of coastal areas. Members will remember that I have spoken on many occasions about stormwater run-off and the debris that flows down the Torrens River, the Port River and the Patawalonga and the problems which that creates in the coastal waterways in the area that I represent.

You would know, Sir, that the sludge pipe will be completed by the end of this year and will at least stop sludge flowing into the gulf, destroying the seagrasses and reducing the fish population. I believe it will be one of the major achievements of this Administration when that sludge pipe is completed and the pollution that has been flowing into the gulf is greatly reduced. We have not yet found answers to the debris and pollution in the Torrens River, the Port River and the Patawalonga. A lot of work has to be done in those areas. I hope the legislation we are now debating will be a step in the right direction in respect of the pollution of those waterways.

Even though the sludge will be taken away from the gulf, one of the problems will be the effect of the nutrients on the gulf, particularly on the seagrasses. The nutrients are producing a cabbage like substance in the sea, and it is destroying the seagrasses. It is no good for the fish stocks and, unless we tackle this area, I am afraid the number of fish being caught in the gulf will continue to be reduced.

Also, something has to be done in relation to the Port Adelaide treatment works, where nutrients are continuously leaking into the Port River. I believe that the legislation we have in front of us will enable us to start tackling that issue. It is a step forward.

I know this Bill covers a huge area, but I would like to mention one other area. I refer to the efforts that will be made in respect of noise pollution if this Bill passes both Houses. It has been difficult for local members to do something about the environment so far as noise is concerned because the existing legislation has proved to be reasonably inadequate.

The legislation before us, and there has not been a lot of publicity given to this, will allow the police to issue on-the-spot expiation fines, whereas the present legislation is pretty cumbersome in trying to deal with domestic situations so far as noise pollution is concerned. I believe this is a great step forward and, although it has not received much publicity, it deserves support. I do not intend to take all the time that has been made available to me because I know other members wish to address the Bill. I congratulate the Minister once more on the production of this piece of legislation, and I enthusiastically support it.

Mr LEWIS (Murray-Mallee): Whilst members on both sides of the Chamber may feel well justified in waxing eloquent about this matter, they would be no less justified in doing so in relation to motherhood, and the difference is very minimal. This legislation is all things to all people, as motherhood is. In fact, the powers that the Bill confers on the Minister and the authority that it establishes are enormous, and if a Government chose to abuse them they could be used to pursue any citizen or corporation very quickly and simply to the point of bankruptcy and insolvency. Whilst all of us will welcome the legislation as a matter of principle, I hope a few of us understand the enormous power we are providing to the authority and to the Minister and trust that it will be used judiciously.

In my judgment there are no adequate provisions within the legislation to call to account through this Parliament the Minister or the authority for any decisions made, since the difficulty in obtaining information about the authority's activities is greater than is otherwise the case with other similar forms of legislation that we have on the statute book.

I note that, for instance, the charges, fees and levies collected will be used in a way which is not defined in law other than to give the Minister the discretion to determine whether or not he will accept the advice of the authority. It might be claimed that they are hypothecated, but in fact they are not. There is really nothing under the sun to which the money could not be applied, even to the point, for instance, of financing a group of people who were demonstrating about some matter or other of concern to them as part of their annual activities, possibly somewhere outside the State even. It could also otherwise be used for research into the cultural husbandry techniques of any species of plant or animal used for commercial purposes in today's or tomorrow's society. There is no reason at all why it could not be applied for either of those two extreme activities. In the middle, included in that, would be the education of the public, through both formal institutions such as our school system and informal mechanisms, such as advertising in the newspapers or taking time on television.

I refer to the way in which the Minister recently abused his position by running advertisements and telling the public nothing except that, in a self-serving fashion, he was a good fellow. No doubt he assisted his chance of re-election in Unley by claiming that he had made some master stroke, and that information was available to the public if only they would ask. Given those things I already see the seeds for the kind of abuse to which this sort of fund could be applied. That happened on page 6 of the *Advertiser* when you, Mr Speaker, and I were elsewhere and otherwise committed representing this Parliament last Saturday week, as I recall. I thought that was appalling.

Another point that I wish to make is that this Bill as it stands has no provision for monitoring after an environmental impact statement has been determined and accepted. There are no requirements to test the predictions that arise from what was an accepted EIS, nor is there in the Development Act. I should have thought that would have come into this legislation, and I am sorry that it is missing. It is all very well to get consensus amongst experts on the outcomes they expect after examining all the information that they have before them as to the impact that an activity of some kind or other will have on the environment, but then we leave it cold. We provide no mechanism for continued monitoring after the event. We approve the EIS and that seems to be it. Why do we not have a commitment to continued monitoring of the outcomes to check the veracity of the information provided in the EIS, not to glorify or vilify those who prepared the EIS but to give us better public information and scientific insight as to how things progress and develop after approval has been given for something to go ahead? I would have hoped that something of that order would be included in a measure that sets out to protect the environment.

In the Bill, 'environment' is defined as 'land, air, water, organisms and ecosystems'. Presumably organisms mean

individual species or individuals within those species, ecosystems being the entire fabric of life in any given locality. In addition, it includes man-made or modified structures or areas and the amenity values of an area. Yet nowhere else do we find any realistic definition of 'amenity value'. It simply provides:

> . . . an area includes any quality or condition of the area that conduces to its enjoyment.

Enjoyment is very subjective. What I might enjoy in a given area is what other people might find offensive, and *vice versa*. That means that the law is an ass; it is nonsense. Therefore, for us to presume that we have defined motherhood adequately, or in this case the environment, what it is meant to be about and protecting it, is ridiculous. As legislators, we should be ashamed of ourselves if we cannot come up with a better definition of 'environment'. The amenity value of an area must be given clearer definition than the definition provided here if it is to become the subject of litigation or the subject of notices served on citizens and corporations to prevent them from doing some things and to compel them to do others. That is what this block legislation has the power to do.

The third point that concerns me about this measure overall is that, whereas the Development Act requires both Houses to agree to disallow a provision or proposal, in this Bill only one of the two Houses is required to oppose or delete a policy from becoming law. I guess that can be dealt with in Committee, but I doubt that I shall be well enough by the time we get to clause 31 to make any contribution given the present state of my fever. In other circumstances I would not bother to contribute, except that it worries me immensely that the Crown does not know what it is requiring of itself. All we know is that over the past couple of decades there has been increasing concern about the sustainability of our activities in the locations in which we have established farms, towns, cities, and so on, the practices in which we engage to produce the things that we need—food and fibre and material for shelter—and to entertain ourselves and question whether or not those activities are sustainable. That is a legitimate anxiety.

It was Miss Eardley who drew my attention to that in the early 1960s—about 30 years ago this year—in the study of ecology at Adelaide University, as I have mentioned on previous occasions. That made it possible for me to stand back and look at what we were doing, why we were doing it and what the consequences might be. I am surprised that only one House of Parliament is required in this instance in this legislation, whereas both Houses of Parliament have to agree to disallow a policy under the Development Act. I would have thought that it was better to have consensus here because the policy of the authority so established, once passed, as proposed in clause 31, can be referred by the Environment, Resources and Development Committee to both Houses of Parliament for ratification or disallowance.

I am not too keen about the sort of representation there is in the other place on occasions and I worry about the implications of the way that politics could be played with an industry by one or other of the Houses. Just one or two people could hold an industry or corporation to ransom for election funds without even saying anything about it. It goes on in other places, and I would not mind betting that it has happened here. This sort of legislation makes it possible for it to happen here. For example, the Government gave the Democrats a beautiful office suite in the AMP building just to get its legislation through the other place. The Democrats could not believe it. I am sure they thought it was Christmas all at once, 100 times over. But enough of that.

I turn now to a couple of other matters, before my voice gives out, so that I can place on record my general anxieties, which are in addition to those that are to be mentioned or have already been mentioned by my colleagues, particularly by the lead speaker for the Opposition, the member for Heysen, who has an analytical mind and a sound, fine-toothed comb from which no teeth are missing and who has done an excellent job in combing through the implications of this legislation and the extent to which others have been consulted about it.

The definition in the Bill particularly impacts on land, for instance, and refers to everybody who has anything to do with an area allocated to them for any purpose whatsoever, regardless of whether they own the land in fee simple, whether it is Crown land, whether it is leased to individual citizens or licensed for their use, or whether it is dry land above the water or wet land inundated by water. It includes any land, water, premises or structure within the jurisdiction of this Government. Again, that covers everything.

But the Government's policy does not really allow people or corporations—and I am more particularly interested in individual human beings: corporations will take care of themselves—as much discretion in the way they can commercially operate and occupy wetlands as it gives to itself in controlling them in this instance. I believe that the Crown ought to give up being a landlord—I thought we got over that problem and got away from feudalism in the fourteenth and fifteenth centuries, but this lot seem to be hell bent on returning us to a situation wherein everybody is mendicant to the Crown, to the Government of the day; everybody has to lease their land from the Government and have the Government interfere in that process, rather than have them comply with the law, which can fine them heavily if they do not comply, and allowing them otherwise to trade in the land as a resource, either for the purpose of occupying it, as in the case, say, of a factory, or using it as part of the production process, as in the case of aquaculture or agriculture.

I have a further quarrel about the Bill where it refers to the structure of the authority: the membership is a little quaint in some respects, and this authority does have immense power. It will not necessarily give us the best of all worlds and it might end up giving us the worst of all worlds, because it is not really a sufficient balance, in my judgment, and that point has already been made by the member for Heysen. My perspective on it would be slightly different from his but not worth the quibble.

Looking at the functions of the authority, I do not know how the Government can expect to comply with this aspect, because it allows such problems as could be dealt with under the functions of the authority and could be dealt with under existing law involving the release of fish, such as tilapia, which are exotic to this environment, or cobitis—Oriental weather loach—which have been released in easterly-flowing rivers from the Great Divide and could easily find their way into the westerly-flowing streams and literally devastate the Murray-Darling Basin system. Both of those species are recognised as fish that are worse than rabbits: they live on both living and dead organic matter, both animal and plant tissue. Take the loach, for instance—the cobitis species: at eight months old the female can and does frequently lay well over 100 000 eggs in a single season; 140 000 to 150 000 eggs, and fully grown it is only about three and a half inches

long. It looks like a little fish-tailed catfish and lives for over 20 years. It breeds like hell. It will eat the roe (eggs and so on) of all other fish. It shovels through the mud on the bottom and stirs it up to the point where none of the small native fish will survive.

The same goes for the *tilapia mozambicus* which, of course, the Israelis are farming and selling because it is good flesh. But that starts reproducing at about 50 grams weight, four or five inches long, and it will grow to 20 kilograms and live 20 to 30 years. Again, it is a voracious feeder, it grows rapidly and it reproduces itself more rapidly than the rabbit. Another problem along the river is proper disposal of irrigation drainage water and dairy effluent. Why the Government does not do something about that under existing law, rather than putting it off until it has this law to do it with, is beyond me. I do not know whether or not it thinks it will cut its teeth on that.

However, I commend the Government for the establishment of the Advisory Protection Forum, although I wonder why it has duplicated the mining and energy industry with primary industry. For goodness sake, mining and energy is part of primary industries. I think the Government really meant agricultural or other related industries, not mining and energy, in the primary industries bracket. I would like to think aquaculture is just as important there as it will be for this State's future as agriculture in all its current forms. The Government ought not to overlook that.

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

Mr INGERSON (Bragg): I support the setting up of the Environment Protection Authority and want to make a few comments about its relationship to industry and the concerns that have been expressed to me. I have been pleasantly surprised that there have been very few really critical concerns from industry, but the major one has been the haste with which this legislation has been brought before the House. I have consulted the two major industry associations, the Chamber of Commerce and Industry (which expresses the view that there has been plenty of consultation and that its interests have been noted and respected in changes within the Bill) and the Employers Federation (which does not have quite the same sort of enthusiasm in terms of the changes that will be brought about).

Before I comment on the industry side, I would like to make a few personal comments as I see the role of this authority. We need to look at the living environment within our community and note that without any authority there has been a significant change in community attitude to the environment over the short time that I have been in this Parliament. The change has been driven by the community and not, in my view, by Government, and that is a very important issue that we all need to note. In our schools we see a significant attitudinal change, particularly in the libraries and the way in which the environment is totally expressed in a visual sense in almost every school library.

To quote the old Chinese saying: if you get to the children, you can change the whole direction of the community. There is no doubt that the Education Department needs to be congratulated on the way it has gone about encouraging in our schools the discussion of changes that are needed in attitude to the environment. Some of the views of the Education Department I have not agreed with but, overall, the general direction of change has been a very important one that has affected our community.

There is no doubt that in my so-called leafy suburb of Burnside there has been a continual planting of trees and a recognition that the environment, in the tree sense, has been very important. If you stand on top of the hills close to my electorate and look down, you can hardly say that the city of Adelaide itself is not a very green city. It is only when you look out to the north and the plains area that you may say that there is much work to do. Having spent 25 years of my life in the Salisbury-Elizabeth area, as any resident up there would have noted I have noted a very significant change to the town of Elizabeth, purely and simply because of the greening of Elizabeth and the effort that the local council, in particular, has put into making sure that the parks and the supplying of trees to the residents has been a very important issue.

Industrially, we need to understand that, along with this very important recognition of change in environment, reasonableness is part of the next development stage, recognising that some of the industrial practices we had yesterday are not acceptable today. But in changing from those practices into more realistic industrial environmental practices, we need to have time and reasonableness in the whole process of change.

That is one of the issues that the Employers Federation particularly brought up; one of the things it would hope is developed by the new authority is an understanding that environmental change also requires economic change. In other words, it needs investment to take place by industry in moving to this new, more sensible and much better controlled environment. That investment, particularly as it relates to small business, is not often something that we can readily make available. The understanding by the new authority of this need to respect the economic changes in investment that will need to occur is a very important issue, one that I hope this new authority will see as a major issue.

One of the other concerns expressed by the Employers Federation was the fact that the make-up of the authority membership—the board—appeared to it to be very much non-industrial. In other words, the effect of the authority in the majority of instances will be on industry, and that is accepted, but the make-up of the authority will have a minority of people directly related to industry. The general feeling is, again, this need for reasonableness; whoever is put on the authority by Government needs to recognise that the very important economic effect of the change in environmental attitude is a very much needed and desired reasonableness.

The other point brought up by the Employers Federation was the need for the Planning and Development Act and this Environment Protection Authority to work closely together. The need for us to send out a positive and clear message to the investment community today and into the future will be significant. If there is any message that says that we must again go through the possibility of appeals in the planning area, the possibility of appeals again in the Environment Planning Authority, it will in essence be a simple but a bad message in terms of development as it relates to our community.

Those fairly simple comments from the Employers Federation need to be heeded by all of us in Parliament and all of us in (and potentially in) government. We must make sure that, in recognising the need for change, we do not put in the way hurdles that are too high to jump. Those sorts of messages are clearly coming through from the two peak authorities—the Employers Federation and the Chamber of Commerce and Industry.

Another issue that was brought up was the concern of the potential bureaucracy of the forum. It is being seen by both peak bodies as another group put in there for a consultation role. Their concern is not to have another bureaucratic group of people who may hold up the need to get through the authority as quickly as possible but also as reasonably as possible any of the requirements as far as the general direction of the Government is concerned in this whole environmental area. So, this forum is another issue.

[Sitting suspended from 6.01 to 7.30 p.m.]

Mr INGERSON: Reasonableness is really the most important issue as far as industry is concerned in its role in making the essential changes that will have to occur. Another issue that the Employers Federation is concerned about is clause 10, namely, that there are inadequate defences available for use by industry against improper or unfounded allegations, and that issue will be taken up in Committee. The Chamber of Commerce was reasonably satisfied with its involvement in the development of the Bill, but there were a few issues which it has brought to me and which I understand the member for Heysen also referred to. They include concern about determination of national standards and, whilst it realises that this fits in with the inter-governmental decision on mutual recognition and so forth, it is concerned that some national standards ought to be varied to take into consideration the issues as they apply at the State level.

The Chamber of Commerce has stated that it is concerned about automatically adopting standards that are set in a national environment out of our State. It was also concerned that penalties appear to be very high, but penalties are usually related to the depth with which the law is broken. Whilst they are high, it is my view that the penalties in this area need to be very high. The discovery of documents, which is an issue in another area for which I am responsible—the workers compensation area—is also an issue for industry. It is believed that that aspect is potentially too extensive and could take us into an area of commerciality that should not be exposed under any Government authority.

With respect to the composition of the six-member authority, it is noted, as the Employers Federation notes, that you need to make sure that you get the right people to do the job. It is pretty common in all authorities that we set up. It does not matter how good the enabling framework, in the end it is up to the people who are appointed; the relativity of those people and their reaction to the community will give status to the authority more than any legislation we put together in this place.

Finally, their concern is that, if there is a negative in terms of investment by any action of the EPA, that will also send out the message to the rest of the business community in Australia that in coming to South Australia you will have this massive hurdle to jump over in this area. It is a concern that they have and they believe this will happen, but it is an area that we need to be aware of.

We ought to make sure that we overcome this difficulty in relation to confidence in the business area. I support this new authority. I hope that we will get environmental laws fitting in with the planning laws so that we can send out a strong investment message to the business community in Australia.

The Hon. D.J. HOPGOOD (Baudin): I commend the Bill to the House. It is not my purpose this evening to go through the provisions of the Bill. In fact, too often in debates in this Chamber members indulge in a lot of words that could just as easily be substituted by ditto marks. Instead, I want to bring a slightly different flavour to the debate and commend to the Minister and the Government an aspect of environmental administration which I think is very important and which I am sure they will not want to overlook. I am stimulated to do that by having in my hand and having received only five minutes ago the handbook 'State of the Environment Report for South Australia 1993', which is a summary of a much weightier document which I notice the Minister has in front of him at this time. This is something that in fact dates from my time as Minister and in its very first year we were, in fact, going to use the rather clumsy though technically correct title of 'Environmental Audit' for such a report.

It seemed to me that one of the very important functions of any Environment Department or Environment Protection Authority was to report to the people whom it in turn purports to represent, because it is their environment that they are protecting, on the state of that environment—to give an audit on the condition of air, water and biotic diversity of the environment and many other things which flow from those basic issues. It is good to see that that has continued and no doubt a great deal more sophistication has been built into the reporting procedures than occurred in the first couple of years when I had something to do with it, because obviously we learn these things as we go along.

It seems to me that any system of administration has got to have built into it some sort of audit. In fact, it was only this afternoon that I was reading a report which arose out of a royal commission into the health system in the Province of British Columbia, Canada, which, while on the one hand, reported that British Columbia had an excellent health system—they considered it to be perhaps second to none in the world—was candid enough to make the point that the resources did not always flow equally to various people in the community, that there was no central plan and there was no means whereby that system could assess its own performance.

It is important that there be such an assessment built in. It is not easy and it is difficult in the area of human services often to work out exactly what it is one wants to audit before one goes ahead to measure those matters, because we are dealing with those difficult and unpredictable things called human beings. It is difficult dealing with matters that have a very heavy subjective element in them. The Minister would agree and the member for Heysen, as a former Minister, would almost certainly agree that amongst the most difficult matters to adjudicate in the environment area are heritage matters because there is always an element of subjectivity in those judgments.

Chemists can tell us what nitrite concentrations are in water or what sulphur emissions are in the air. That involves a simple test one can do in a laboratory to give us those figures. How one adjudicates on the respective heritage merits of this building or that building or whatever else it might be is another matter. I can remember once listing a rubbish dump on the heritage list because of the significant historical associations it had. One of my colleagues said, 'Hoppy, it must have been a bobby-dazzler of a rubbish dump.' Subjective matters are difficult. Also, when one is dealing with predictions, which one has to do, it becomes difficult indeed because we are often dealing with complicated environmental systems.

Consider, for example, the whole question of the greenhouse effect. It can be measured from ice cores in the Antarctic that the build-up of carbon dioxide in the atmosphere has been going on since at least 1750 with the industrial revolution. That is done by putting those ice cores down, getting to bubbles of air trapped in the ice and from that measuring the concentration of carbon dioxide in the atmosphere at the time when that air was trapped. So one knows that the percentage of carbon dioxide in the atmosphere is rising.

It is inferred from that that an accelerated greenhouse effect is occurring and that indeed the earth is marginally warmer than it was in 1750. There is some evidence to support that, though of course it is very difficult when you are dealing with fractions of a degree celsius and averaging that over the whole globe given the amount of variation that occurs in local measurements.

It is inferred from that that, since all liquids expand when they are heated, the oceans must be expanding in volume and therefore rising. But that is the most difficult of these things to measure and we do not always know exactly what other factors may be taking place, for example, the dissolving of carbon dioxide in the oceans or the locking up of carbon dioxide in carbonate deposits in the crust, and so on.

I have always taken the advice of the experts and assumed that there is a greenhouse effect going on. We have to take that into account in the way in which we use fossil fuels and the like, but it is very difficult to actually come to grips with, and so prediction becomes very difficult in these sorts of circumstances. But there are some things that we can do. We can measure accurately; we can define our terms as precisely as possible; we can get a set of priorities to deal with, because you cannot measure everything all the time; and then we can tailor policies in terms of what seems to be appropriate in terms of the measurements that have been taken.

The new authority has a very broad charter. It has, I think, the goodwill of South Australians. It certainly seems to be getting a good deal of bipartisan support in this place and I would hope in another place, and it has a very large task ahead of it. In undertaking that task, I hope it will not ignore the whole question of audit—the whole question of assessing as we go along our environmental performance and modifying that performance in line with not what we hope might happen but what we observe is happening.

Mr BECKER (Hanson): I support the legislation. I want to commend the member for Heysen on his contribution and his thorough examination of the Bill. As he has explained, it was the policy of the Liberal Party in the 1989 election that we would set up an environment protection authority and that we would do all we could in office to protect the environment and provide a safer, more pleasant place to live.

For 22 years I have complained about environmental matters in my electorate only to be told by the bureaucracy that the various issues I raised from time to time were not true. It has taken 22 years to confirm all the allegations I have made. I have a stack of questions that I am compiling so that one day I shall remind the bureaucrats of the State, who always said, 'We will outlast you', of the damage that they did to this environment.

I refer to the first lot of questions concerning the polluted waters of the Patawalonga basin and the Patawalonga itself. For months I complained about the trash, the type of litter, that was being washed down from the Sturt Creek into the Patawalonga basin, which goes right around behind the German shepherd dog club grounds at West Beach and through the drains in the West Beach area, conglomerating there and going back into the Patawalonga itself before eventually being washed out to sea. Then it goes right along the northern coast—West Beach, Henley Beach South, Henley Beach, through to Grange and up to your electorate, Mr Speaker.

We could plot the movement of some of the grains of soil, as was done on one occasion. Coloured sand was put down to confirm the movement of sand along the north of the gulf. In those days—22 years ago—my neighbours were constantly taking photographs of the sand movement and of the loss of the seaweed. When I first went to live in that area, after I married in 1957, the beach at Glenelg North was covered in seaweed. When one went for a swim in the summertime, one waded through the seaweed. People had to be careful because neighbours were down there with fishing nets and bringing in all kinds of fish, particularly whiting and tommy ruffs. They did some damage, but not much. The fish were plentiful.

The industrialisation of Edwardstown in that general locality saw a tremendous amount of industrial waste running off from various properties into the creek system, Sturt Creek in particular. On many occasions there were a lot of dead fish in the Patawalonga which the Fisheries Department and the health authority said were poisoned by industrial waste and/or the poisons used by the various councils in spraying the footpaths and the trees. We still have that stupid mentality today in some council areas. They do not trim the edges: they poison them. They use a type of spray that sterilises the ground.

Going back 31 years, my wife and I were living at Oaklands Park near the Sturt Creek. Four women were pregnant, and three gave birth to disabled children. At the same time the Marion council sprayed all the grass along the Marion/Oaklands train line, the footpaths, the kerbing and wherever. When we asked what kind of spray they were using, they said that they were sterilising the ground. A foul smell entered residential properties and it hung around for days. Until this day, and probably until I die, I shall never be convinced that the Marion council used anything other than a weed killer that was extremely dangerous and contributed to the fact that three disabled children were born at that time in that area. It is a terrible indictment on the ignorance and stupidity of local government in those days. The attitude that existed until a few years ago was to go out and sterilise the ground to get rid of the weeds and do this and do that, and nobody really cared.

We remember the case on the West Coast of children complaining in the school room about the poisons that were used as pesticide to protect the school property from vermin. Only on Monday the children of the Baden Pattinson kindergarten were told that they were not allowed to have classes outside and that they could not go outside to play because a private contractor engaged by Glenelg council was spraying the weeds and the footpaths. The smell was very bad and, with the wind blowing from north to south, it entered the school yard and premises. Again, the parents there were concerned about the type of herbicide that was being used.

I often wonder whether we are learning or whether we really care. Some local government authorities in some areas really do care about our environment, but others just do not seem to want to understand, let alone be bothered. This legislation has considerable merit, because it goes further

than we had envisaged and along the way that I hoped it would.

The other issue that I raised was the loss of the seaweed in the early 1970s at Glenelg North, the impact of the Glenelg North sewage treatment works and the loss of the sand on the beach. I give Des Corcoran one credit: at least he protected the road at Glenelg North from falling into the sea and also some of my neighbours' properties by putting riprap walling along there. It was bad luck that the contractor went broke the first time and that we had to get the department to do the work at about three times the original cost. However, he stopped the work at the Glenelg sewage treatment works. Instead of going down to West Beach to protect what was the last of the great sand-dunes of the western suburbs—or even of the metropolitan area—the work was stopped there, because the Government had run out of money. Since those days, I would estimate that we have lost at least another 100 metres of coastline.

The Minister was down there recently to launch environment day and saw a classic example of what happens if we do not really care for the environment and if we develop too close to the frontal sand-dune. It is an absolute tragedy. I do not know how we will ever replace it. Bob Culver from the Adelaide University never convinced me that, if we just let it go, the sand-dunes will be restored naturally. Bob and I will never see it, and I do not know whether anybody else will see it. The way things are going, the high tide water mark will probably be at the end of the runway at Adelaide Airport if we do not do something about the problem, because those dunes have fallen.

Tragically, over the weekend we had another nasty storm, and again a considerable amount of sand has been lost. All the efforts to plant natural grasses and to keep them alive to try to stabilise those sand-dunes just cannot keep up with the hammering that area is getting. It is interesting to note from the State of the Environment report (pretty good work for the year 1993, and full marks to the department for preparing it) that almost 270 000 cubic metres of sand has been lost in the Marineland area at West Beach. That is where I estimate we have had the worst damage in relation to the loss of the sand-dunes. Some of that has washed out to sea and covered over some of the most abundant whiting grounds we have in the metropolitan area.

However, at the same time, the effluent that was being pumped out of the sewage treatment works obviously also contributed to the loss of the seaweed. In the early 1970s Scoresby Shepherd prepared a report for the Fisheries Department and claimed that the impact of the sewage treatment works, the Patawalonga and the loss of the sand were killing off all the seaweed. That report was ridiculed—certainly in answer to my questions in Parliament—by the Engineering and Water Supply Department. If any department has a case to answer, it is the E&WS, because it must have known or, if it did not know, we must have employed a lot of stupid public servants in those days. Moreover, the Government would not admit—and Corcoran would not go far enough or insist on additional reports to prove what all the local residents were saying—that we were losing the sand, that we were damaging the fishing grounds, that the environment was being damaged and that the impact could be irreparable.

Local knowledge is a great contributing factor to protecting the environment. In the early 1970s I well remember how we complained about the types of poisons that were contained in the water, and again Corcoran and the E&WS Department denied it. A cousin of mine, a marine biologist, in the early 1970s took samples of water at West Beach and said, 'There are so many carcinogens in here, we're feeding people cancer.' I said, 'Come on, that's a bit rough.' He has since gone on to an academic position in the Eastern States; he is highly regarded and highly thought of. In those days, he was treated as a fool. The department ridiculed him and said, 'There's no such damage; there's no such danger.' My neighbours reluctantly swim in the waters down there, because there is a chance they will contract an ear or nose infection. Sometimes the water is so polluted at Glenelg and West Beach that it is considered not safe to swim in. That is an absolute tragedy in respect of promoting Glenelg as one of the better environments for tourists visiting South Australia.

The member for Henley Beach mentioned the Torrens River and the damage it does to Henley South, Henley Beach and Grange and all the filth that comes down from the eastern suburbs. It seems as though there is a conspiracy whereby the eastern suburbs dump all their rubbish on the western suburbs. The tragedy is that all the bureaucrats who control the situation live in the eastern suburbs, so they will not do anything to protect the western suburbs. It is great to see that the authority will have some teeth to enable it to get in there and do something about this. I will not mention the airport, and the noise pollution and the fuel pollution that we get there. It is horrendous; it is terrible.

An honourable member: You were going to stand on the runway.

Mr BECKER: That was Janine Haines. She was going to lie down on the runway and we were encouraging her for all we could, but she pulled out. The point is that the airport has a contributing factor to the residential environment of the western suburbs. As much as I hate to say it, in the past few years the number of neighbours whom we have lost through certain types of cancer has us all very worried. I have asked the Minister of Health, Family and Community Services to undertake studies, and I have asked the Health Commission to look very seriously at the impact of an airport on a residential environment so closely settled as ours is around Adelaide Airport. The intersection of Henley Beach Road and South Road is one of the worst polluted intersections in the metropolitan area. It has a very high lead level content, and it was a contributing factor to the loss of the Thebarton school but, more importantly, the huge lead level content in that area is unexplained, as is the case with other intersections in my old electorate where we have service stations.

I do not think enough work has been done on the impact of service stations and on some of these intersections where cars are held up for so long they pollute the environment. One night at my office there was a terrible smell, so I walked outside and saw that a tanker was filling up the service station across the road from my office. I think more studies need to be done into fuel, and I think the Federal Government is on the right track. Let us get rid of leaded petrol at any cost because we know about its impact on the environment. In fact, many years ago when we first formed the Epilepsy Association we discovered that lead poisoning can trigger off epilepsy in children. What a tragedy it is to allow that to continue within our society. Of course, one of the worst types of environmental damage is noise pollution. We can go on and on when we look at the impact on the environment and what we are doing about it.

The Minister will remember, and so will the member for Henley Beach, that some time ago I asked for the establish-

ment of a Coast Protection Board. I am pleased to see that that will continue as an authority. I believe that the local residents and the local councils acknowledge that they can do much to contribute to the protection and the preservation of our coast. Pity the warnings 10 or 12 years ago when there was further development at West Lakes. We warned the developers and the Government—and it might have been a Liberal Government—that it was wrong to build close to the frontal sand-dunes. Now we have the member for Albert Park saying how concerned he is at the loss of the sand in that area. Again, properties could well be under threat in a few years and we may have to put that horrible riprap walling along there to protect properties worth a few hundred thousand dollars.

Overall, we have done something to protect the environment, but we still have a lot to do. I supported and called for the five cent deposit on cans and certain drink bottles. I still cannot understand why we do not have it on wine bottles—perhaps the people who drink wine do not throw them around the beach.

We got rid of the cans and the stubbies, but now we have the PET bottles. Finally, 5¢ deposit was put on the PET bottles, so we got rid of the plastic bottles. But the worst pollutant we have at the moment are those cardboard milk containers, and what a nuisance they are. I am told that Farmers Union produces about 70 000 of those a day. It is one of the biggest growth industries in South Australia, and I would not like to do anything to stop that. However, I cannot understand why they want to put milk in plastic bottles. If they are going to do that they will have to have a 5¢ deposit, because it would be unfair to put a 5¢ deposit on these PET bottles, Coca-Cola bottles or whatever, and not do it on the milk bottle. I do not want them all floating down the Patawalonga full of all sorts of insects or whatever. So, I would encourage the Government to put a 5¢ deposit on them. If we could educate the public so that the milk cartons are not thrown into the gutters and streets to end up on our beaches, I would support that as well.

All in all, I think this is a wonderful piece of legislation. Certainly, it needs to be looked at in Committee to see whether we can do a few little things to bring it up to date with the experiences in other States. Overall, however, South Australia has done well in protecting the environment and being sensitive to the environment. The only thing is that I received an answer from the Minister a few days ago in relation to the impact of salt on trees. He may recall that I mentioned this to him some time ago. Studies have been undertaken on the growth of our trees in the Mt Lofty Ranges and elsewhere, and I think there needs to be a separate study again, because the greening of Adelaide has been extremely successful.

If someone is fortunate enough to come into Adelaide by aircraft they can look down on the city and see beautiful tall trees. It is alive and clean. It is not polluted like Los Angeles, where one seems to be flying over the top of a cloud, and then coughs and splutters for the rest of the time in such cities. So we can be very thankful. We must keep the city like that; we must improve it and do all we can to ensure that we leave something for our future generations—and that is a clean, friendly, environmental city.

Mr De LAINE (Price): This is possibly the most important, timely and far-reaching legislation to be brought before this House in recent times. Compared with other States and other countries in the world, our environment is in quite good condition. However, it is deteriorating quickly, and now is the time to step in to stop this deterioration and, in fact, to reverse the process to get our overall environment back as near as possible to pristine condition.

The Bill is landmark legislation. It provides a framework to safeguard the unique and fragile qualities of the South Australian environment. Equally as importantly, the Bill also supports and promotes sustainable development and environmentally sound practices right across the State's activities. The Bill provides for the establishment of an EPA (Environmental Protection Authority) and sets out its membership, functions, powers, terms and conditions of office and other aspects pertaining to the operation of the authority for the benefit of all South Australians.

The Bill recognises the importance of economic development and employment, while at the same time protecting the quality of life of the community at large and for future generations, as the member for Hanson alluded to. We all know the problems that have been caused by industry over the past 100 years or so, especially when factories have been long established in and near residential areas.

In my electorate of Price, especially in the Port Adelaide area and nearby, these industrial problems have always been very severe, especially in recent years. It is an area that is very dear to my heart. I have raised issues in this House many times as to how that pollution affects the lives of people who are forced to live near some of these factories. The factories, which are located among and right next to people's homes, have always been a major concern. Initially, when many of them were set up—some of them 100 years ago—there were no real problems. The factories were set up near people's homes because of the conditions prevailing in those days: there was not much public transport and people could not afford their own transport to and from work. As a result, the factories were built near people's homes to give them access thereto.

While these factories produced, the methods used were very environmentally sound. Most of the operations were performed by hand; there was very little noise; and they were performed almost exclusively in daylight hours, thus causing no harassment to nearby residents. In later years, with the advances in chemicals technology and other substances, many of these factories, even though they might have continued to make the same products, became environmental disasters, with noise, smoke, smells and the working of two and sometimes three shifts per day, which obviously took them right through the night and, therefore, caused much irritation and disruption to people in their everyday lives.

Chemicals and modern substances which were introduced in later years added to the problems. No doubt the use of these substances made production much simpler and, indeed, turned out wonderful products. However, the problem was that many of them were environmentally hazardous. These days, these sorts of substances come onto the market so frequently, almost on a daily basis, ahead of any monitoring and testing and, therefore, problems quite often arise in the work place, affecting people before they are perhaps tested thoroughly and outlawed. These new manufacturing methods have played havoc with the environment and the quality of life of people who live close to the factories.

Although legislation and regulations have been continually upgraded, especially in recent years, they have quite often proved totally inadequate to control and clean up the environment. The measurement and monitoring of noise and air pollution was done on an *ad hoc* basis, and it was always

extremely difficult for departmental inspectors really to be able accurately to assess the problems emanating from many of these factories. In many cases, the nearby residents were not protected and had to suffer in silence.

On the other hand, to be fair, the situation was quite often unfair to the factory operator, because of uncertainty as to what he or she could or could not use and do in their own factories. I would like to quote one particular example in my electorate several years ago, when a factory was using modern chemicals and techniques which were putting out invisible vapours into the atmosphere, causing all sorts of health problems for nearby residents. They came to me seeking some help and, with some pressure from me and from the department, the factory was brought into line and had in fact to spend quite substantial amounts of money to upgrade and to solve some of these problems.

The company did the right thing and spent quite a deal of money but, unfortunately, it was not successful in getting airborne pollution down to an acceptable level. In the end they had to spend something like $750 000 extra to put in equipment to achieve the desired levels. It was a shock one morning when the Managing Director of this factory rang me and said that, because of the extra money that had to be spent to achieve the levels required, they had decided to pull out of South Australia and consolidate their operations interstate. That was a big blow to me, because I had been doing my job as local representative to try to solve the health problems experienced by the residents in this area, only to find that the company had decided to pull out. I immediately asked how many jobs would be lost, and was told that it would involve 80 jobs.

That really left a nasty taste in my mouth. But luckily, in the final analysis, the company did pull out, but quite a few of the employees were elderly and they took voluntary retirement packages. I think another 45 were still of working age and they were able to be transferred into subsidiary companies within the metropolitan area. So it worked out fairly well for everyone, but it was a lesson to me that, while there are problems in relation to pollution that need to be corrected, there are also employment implications.

Another area which I am pleased to see was cleared up before this legislation was introduced but which is also addressed in this clean-up is the Glenelg/Port Adelaide Sewage Treatment Works and the pipeline to Bolivar, which will transport sewage sludge. This was one of the last projects approved by the old Public Works Standing Committee whilst I was a member of that committee a couple of years ago. I am pleased to say that this very worthwhile project was set in train and is progressing so satisfactorily that I believe it will be in operation later this year. At that time we will see the cessation of sewage sludge outfall into the gulf. I am quite confident that once that ceases the seagrasses will re-establish themselves over a period of time.

I am sure that this new legislation will give confidence to operators of potentially polluting establishments and will give a lot more protection to the whole community. Of course, many other aspects of this legislation will be covered, but I do not have time to go into them now. All in all, it is very timely and far-reaching legislation. I commend the Government and, in particular, the Minister for their work in introducing this legislation. I am pleased to support this Bill.

Mr BRINDAL (Hayward): Like my colleagues on this side of the House, I support the Bill but I do so with serious qualifications. This Bill is clearly a case of too little, too late. Much which in the Bill is commendable this Government has been talking about since before I came into this Chamber and this Government, as usual, has been long on rhetoric and short on the fulfilment of the promises. When we analyse this Bill, we see that there is much in it to commend it. However, unfortunately by the time it is implemented, too much damage will have been done.

In particular, I would like to start by highlighting the fact that, were my colleagues on this side of the Chamber in government, there would today be no sludge discharge into Gulf St Vincent. Yet here we have a Bill and a report—which the Minister has let us have today—entitled State of the Environment, which states that later this year or early next year we might be doing something about the sludge.

I refer all members to the report about which I was just speaking. Anyone who uses Gulf St Vincent will know that the marine fisheries in that gulf have virtually been destroyed. Huge areas of seagrass have gone, we have trouble with sand replenishment because of shifting sand and we are not catching what we should be catching in our gulf. I believe that the reason for that is quite clear. It is interesting that, when one goes to Flinders University and speaks about the ecology of the gulf, one finds that very little is actually understood about the tidal movement and the way the gulf works. However, what is understood by fishers—both commercial and recreational—is that the gulf, which was once a great place to go for a day's fishing, is now very poor recreation indeed and even poorer if one is trying to get a commercial return.

Yet, we have seen a Government that continually promises to do something, but the promise is always for some time in the future. There is still sludge being discharged into the gulf today; there is still effluent being discharged into the gulf today. We are sucking one of this nation's major rivers perhaps more than it can bear, and we are pouring the water through our mains and discharging it into the gulf with little regard for the fact that most of that water could be re-used and most of it is suitable for use on our lands.

I note that the Government is trialing a hardwood plantation near Bolivar, and it is to be commended for that, but again it is too small a trial and much more could be done. There is good land in that area. I draw the attention of the House to the fact that the aquifer in that area is virtually within rock throwing distance of where the Bolivar treatment works is discharging water. Market gardeners are sucking water out of the aquifer at a frightening rate that is threatening permanently to damage or destroy the aquifer.

So, a huge public utility is pumping reusable water out to sea and, at the same time, market gardeners are pumping water out of the aquifer and destroying it. It is a nonsense equation, one which can only harm our environment. Members opposite, and even members on this side of the House, tend to get up and have cheap bashes at people who live on the land—farmers and agricultural people—because of bad practices that have been carried on in the past. Indeed, there have been some poor and thoughtless practices in the past, but farmers always appear to be willing to learn. Yet in this urban environment we seem to lead the way in how to pollute and in lack of responsibility. It is easier for us to point to the rural community and tell them how to conserve native vegetation than it is for us to husband more properly our stormwater or to control our effluent and toxic waste discharge from this city. It is easy to tell others how to run their life; it is much harder to do it ourselves.

The member for Hanson spoke about flying into Adelaide and seeing beneath him almost an urban forest. The people of South Australia should be commended for what they have done to revegetate the Adelaide plains. When I was growing up in this city and would go hiking to Mount Lofty, I could see the roofs of Adelaide quite clearly. I was not like the member for Hanson: I could not afford to go on a plane. From the same vantage point today all one can see, as the member for Hanson rightly points out, is mature and semi-mature trees. They have not been planted by some Government *fiat* or because a Minister has told us that for the good of our soul we must plant trees. They have been planted by people who care for their property, people who read newspapers and magazines and people who know that to plant a tree is to help the environment; and they have done so willingly and gladly.

However, during the break, the Minister talked about swaths of green. Perhaps what is necessary, rather than the protection of individual trees, is the creation of swaths of green. If I understand the Minister's concept correctly, it means that, in a designated area such as a postcode or council area, all trees will be protected. It is too bad if the jacaranda that you planted 20 years ago or the old lemon tree down the back needs to be removed in order to put an extension on your house. If I understand the concept correctly, all trees will be protected. That would be a great disaster for the people of this State because, if they plant trees on their property, they should retain some rights in respect of them.

I do not believe that, if a person buys the freehold title to a property, this or any Government has the right to interfere and tell them what to do. I believe that people have some rights on their own property. As I said, people plant trees because they want to. Most people whom I know who feel it necessary for some reason to remove a tree normally plant two or three in its place. That is the way it should be; it should be left to the people to make that choice on their property.

I have never been one to agree with the 'nanny' State mentality that this Minister and this Government seem to feel is absolutely essential for our well-being. We can go on from the swaths of green, and we can talk about stormwater, because the Government again has been very keen on the concept of doing something with our stormwater. However, I notice that in this report the only action that has actually been taken—there were lots of words from the previous Minister—has come from two councils in the area.

I would like to draw the House's attention to the fact that the Unley council wanted to do some work returning the stormwater for its new shopping centre to the aquifer. The council approached the previous Minister to see whether it could get some sort of grant, so that a fairly large urban area, from which there is a significant run-off, all of which flows into the Patawalonga, could be channelled into the aquifer, but the Government's answer was 'No, there is nothing we can do to help.' There is a case of a council that legitimately wants to do the right thing, that legitimately wants to do what this Government is saying is a good thing to do with the environment. But when it goes to the very people who are espousing this cause, there is nothing but rhetoric, and there is no help. As a result, that stormwater is now discharged into the Patawalonga, and we pick up the report that says, 'What is the number 1 priority for stormwater clean-up? It is the Patawalonga.' It had a chance to do something, but it would rather say in the report that it is something to do in the future and do nothing about it at present.

Finally, if we return again to the gulf, because I think a critical factor in our environment is the gulf on which we live, we can look at the coastal dunes. I read again in the report that the coastal dunes are fragile and need protection. In the area of Brighton the council is currently doing a supplementary development plan. That was available for viewing and it has gone to the second stage. The council got a letter back from the Government because it suddenly realised that the Minda sandhills, which are one of the last vestiges of coastal dunes on the metropolitan coastline, remain zoned 'coastal residential'. When this thing is half way through the Government writes back and says, 'We did not quite mean it to be coastal residential. We want you to change it.' The council quite rightly said, 'No, if we change it we have to go back to square 1, and at square 1 we have to initiate the whole process again; the whole public consultation process has to be revisited.'

So, the council does not want to do it because it says that it is not its fault and that it is a waste of time, and it wants to push this thing forward. To push it forward would be an absolute disaster. I accept without question that the current board and administrator of Minda will do everything to protect the fragile dunes, but the current administrator and the current board cannot speak for any future board, and given that it would be the last piece of Adelaide coastline with an absolute unfettered access to the beach, and therefore is almost beyond a price, I do not believe that anybody can guarantee that if it remains zoned 'coastal residential' it will not be exploited for dollars rather than preserved for the heritage of South Australia. That is a major omission on the part of the joint process that represents the supplementary development plan.

I do not know how it got to this stage, Sir. I do not blame the council: I do not know that I blame the Government department concerned, but there is quite clearly a mess, and it is a mess which should never have occurred and which is occurring over something that virtually everybody in this House, including the member for Albert Park, who said so in a speech, having agreed is important and that is the preservation of our coastal foreshore and the sand-dunes that are responsible for its replenishment.

Sir, I support the Bill, but I say again that it is too little too late, and I hope that the implementation of this Bill is left to my friend and colleague, the member for Heysen, because when he is the Minister I am sure we will see some positive action and not just words.

Mr HERON (Peake): I support this Bill. In my short time in this House, this is one of the most exciting Bills to come before the Parliament. I know that everybody and every member of Parliament is greatly concerned with the environment of this State. In trying to weed my way through the Bill, I found that it is very complex and I understand that there will be some hiccups as we go along, when it becomes an Act, and that some of those hiccups will be able to be rectified as soon as possible. But it will be a great Bill to solve the problems that we have in South Australia.

I will only touch on about three issues, especially waste management. We have land fills in South Australia, mainly at Wingfield, and some out in the northern suburbs, and it is good to see that those land fills are now extracting the gases that come from the pollution that we put into the land, and that that gas is also being utilised with respect to the electricity that goes into our grids. There are many more land fills around Adelaide that should be on the same track. About three in Adelaide are extracting the gases.

The Wingfield land fill could end its life in about three years, and that means we now have to look for other land fills for the metropolitan area. Every member in this House would say there is no way they would like a land fill in their electorate. So, when anyone gets the opportunity to have a land fill, they would try to handball it to another electorate. The MFP and the Wingfield site is the largest one, and that is being filled up now.

Last year I had the opportunity to visit Paris, London and Greece, and I inspected land fills in those places. It is interesting to note that in Greece they are not quite up with England or Paris in the way they get rid of their rubbish. In Greece, when you approach the land fill from about two miles away, you can see thousands of seagulls, you can smell the rubbish and anything they have dumped there. People are still scavenging from those land fills.

I then visited a land fill in Paris, and that is something to be seen. In Paris, they make sure that the land fill is sealed from the bottom. They put gravel down the bottom on top of a plastic sheet, and then put in the pipes to eliminate the gas. So many thousands of tonnes of rubbish are poured on and, at the end of the day, a film of sand is put across that rubbish, and the gas pipes are extended so that they reach the surface. Every day at 5 p.m., anyone going past that land fill would not know there was a land fill or rubbish dump in that area. The following day when the trucks come with their rubbish again, it is lined with plastic, gravel and sand, and the pipes are extended again, and so many thousands of tonnes of rubbish are put in, and at the end of the day a light film of sand is put on, and there is no smell, and no paper or birds are flying around that area.

I visited London to look at their waste management systems, and they use very similar systems to those in Paris, but they also incinerate much of the rubbish, and that is very expensive. That is one of the reasons why we do not use incineration in Adelaide. I approached a couple of companies in relation to incineration, but there is a problem with that because of the pollution that occurs as a result of the burning.

The pollution problem from burning has not been rectified as yet and thus it is not at this stage the ultimate way to get rid of waste. However, I approached a firm and asked them about an incinerator in a city the size of Adelaide, if they could get rid of their pollution problems from the incinerator; and when I told them it was a city of approximately 1 million people they said that perhaps the cost of an incinerator to get rid of that waste would not be viable at this stage. So, if the cost of putting in an incinerator to get rid of our waste in Adelaide is too exorbitant, it looks as though we still have to go back to the landfill situation. If we have the landfill situation, we have to make sure that those landfills are treated the right way from down below so the gases do not build up. We can eliminate the gases so they come out into our grids, as is being done now at Wingfield and two other places, so that everything can be utilised from the landfills.

Another interesting thing they do now in Paris is when they change a landfill site. They go to a farmer who has property and who is not using that land, they get the bulldozers to dig the hole, and they lease that land off the farmer. They tell the farmer they want that land for 10 or 15 years, the farmer gets paid by the council or Government for that property while they fill it up with the rubbish—it is lined, there is gravel on it, there is a layer of sand and so on—until that landfill is full. When they get to the level the land was when the farmer gave it to them, they put in the correct soil again—the same topsoil on the top two metres—and the farmer gets his land back as it was before he had given it to them. The farmer then cultivates whatever he wants on that land, and the gases that come out go back into the grid as electricity.

Other landfills that I saw over there were made into sporting facilities—golf courses, ovals; they are all being used—and beneath them are thousands of tonnes of household rubbish. There are ways we can get rid of our rubbish, but before a lot of that rubbish went into some of those landfills it went through a recycling program. The recycling programs are something we all have our eyes on, and the only way recycling programs can get going is for them to start at the household. We know that most of our councils are now going through recycling programs. Those recycling programs are improving day by day, and eventually we will get to where we have some good recycling programs going so that we will not have to use a lot of our landfills for our plastics and papers.

I found out that where they had good recycling programs overseas, one of the problems they went into was finding out the markets at the other end. Some countries in the world today have hundreds of thousands of tonnes of paper. It has been stored, because they are not finding a use for that paper. That it is exactly what they were finding about plastic in France at the time. They were storing the plastic bottles and various plastic commodities but they could not get a market. Someone came up with a smart idea once; they said that, because of the different colours that were coming out in plastic, they could mould plastic into any type of commodity, such as a vineyard stake. Thousands of bits of plastic are being melted down and they make vineyard stakes. They are finding markets there because the plastics that were coming out in different colours are melted down.

I refer to the small brochure ‘State of the Environment Report’ (the summary booklet in relation to urban development). I always have some concerns when ‘urban development’ is raised with me, and it is mainly to do with urban consolidation. In my electorate on the inner western side of the city, we have seen that people with reasonably sized backyards are selling their backyards to have small home units or small developments put on them.

A large amount of consolidation is happening in the inner western suburbs, but there is not enough green space or parks. If that trend continues, many people will be coming into the inner western suburbs but there will not be enough parks or services for those people to live a clean life. I refer to the Horwood Bagshaw site in my electorate. We had a big demonstration by residents pushing for the amount of open space required to be increased not just for any new development but for the existing residential area. I emphasise that more open space is required not just for the new development: more open space is also required for residents living in the existing residential areas. Therefore, we have to keep our eyes open concerning new housing developments and take on board the needs of existing residents, who also require open space, as well as the needs of residents in new developments.

We have Governments, councils and developers all worried about the yield they will get from certain size property. They are worried about how many houses and people they can get on a property and how much money they will get for that number of houses. A requirement for new large housing developments is that there be 12.5 per cent open space. That is all well and good as it applies to new developments, but authorities should take into account the needs of existing residents living in the community.

The Hon. J.P. Trainer: Mile End was due for special consideration.

Mr HERON: Exactly. The point is that it is not just a matter of looking after new residents coming into an area because developers try to put as many houses as possible on an area. Councils do not want open space because they have to maintain that open space at their cost. They do not want to say, 'Let's look after the residents already living in the suburbs.' Governments are also after the same thing: they say, 'If it is our land, we want to get a quid for our quid.' We have Governments trying to get money, we have councils who do not want open space and we have developers trying to put as many houses as they can on one block. However, that is forgetting the Bill before us which is to make sure that the environment is the best we can possibly get for the suburbs of Adelaide. I will wind up on that note, but those are the three issues, waste management—

The Hon. D.C. Wotton: And rural areas.

Mr HERON: And rural areas have the same problem, as the honourable member states. This is an important Bill. There will be a few amendments and I know that when the Bill goes through and becomes an Act there might still be a few hiccups, but it is a good document for everyone to work on, on behalf of the people of South Australia.

Mr BLACKER (Flinders): The concerns expressed by the member for Heysen that he did not have time to liaise and communicate with his constituents as well as various interested organisations is a concern that we all share. This is probably one of the most complex Bills that the House has debated for many years, and the ramifications go far beyond anything that we could first envisage. Just breezing through various aspects of the Bill I see that just about every form of industry and activity that one could name could be embraced under the legislation. There is seemingly nothing that could not be brought within the tentacles and grasp of the legislation. For that reason I express some concern that we have not had sufficient time to consider the issue and we have certainly not had time nor the resources to circulate this lengthy document—the Bill together with the second reading explanation—to interested parties and organisations.

None of us would question the time it takes to bring together many of the environmental laws, and the principle that we are talking about is not necessarily in question. What we are talking about and my concern is that we have not had the ability or the time to get that message out to all of the people. We are in changing times and 10 or 15 years ago the community as a whole would definitely not entertain considering a Bill of this kind.

We do have an awareness out amongst the community now and a general acceptance that the environment needs to be protected. It needs to be done by way of education and cooperation, because no Government of the day can afford to pay for environmental protection, and it must therefore be the landowners and the occupiers of that land who must be encouraged to exercise restraint, if that is necessary, for the protection of the environment. Certainly they must be encouraged to do everything within their limited means to bring that about.

The philosophy of environmental protection is accepted. I think that has been assisted by a softening of the extremist attitude of some of the greenies who were around a few years ago. It used to be a 'them and us' situation and quite often there was conflict and confrontation. There seems to be a softening by the extremists on the greenie side and a more willing acceptance on behalf of the land occupier, be it owner or just occupier, to assist in the environmental land care process.

Within my own area there has been a massive growth of interest within land care groups. Ten years ago I do not believe any one of us would have anticipated such a growth of interest in that area. There is no doubt that there is an acceptance by people who have seen land degradation through the encroachment of salinity and who have seen this as a potential problem, a problem that in some areas of Australia is out of control. Those people have worked with the land care groups to grow the appropriate vegetation and use the appropriate drainage. The cooperation between a number of land-holders and the land care groups means there is now a community approach to what was perceived to be a considerable problem.

I commend those land care groups for the action that they have taken, and in doing so it is important that the group philosophy is encouraged. Individual land-holders are encouraged to join a group, because more often than not when a problem such as salinity shows up the cause of that problem could well be two, three or four properties away. Therefore, a general community approach is necessary. A basin approach is necessary if the collective properties are within a basin or catchment area.

We also have the situation where there is a greater community awareness of the necessity to preserve our national parks. In my own area, I believe that the Lincoln National Park is a classic example. Just 15 years ago there was quite an anti feeling between the wider community and national parks officers. At the present moment I do not think we have ever known the National Parks and Wildlife Service to have so much community support. It has been able to work very well with various organisations within the community in the interests of the preservation of the national park and in the interests of the protection of wildlife, flora and fauna in that area. I can only say that from that point of view it has been extremely good. Another example of that is in the arid areas where more work has been done in respect of restocking, providing protection from vermin and experimentation with arid species of vegetation. I think South Australia could well lead the world in many of those things.

The complexities of this Bill are something which I do not think any one of us completely understands. I mentioned earlier my concerns about the number of industries that could well be affected. Areas of concern or interest within environmental protection include helicopter landing facilities; marine and boating; aerodromes; most forms of farming, particularly where intensive animal husbandry is involved; and any cattle feedlot holding 50 cattle or more. An average farm could do that, so every farm can be brought within the ambit of this legislation.

We shall not really understand or appreciate the implications for months, or it might even be years, after the legislation has been passed. We do not understand what the extent of the regulations will be. This is a minefield. It will depend on the persons who are involved in the preparation of the legislation as to how excessive the regulations may or may not be. If a rational approach is taken and we work with the community in an educative program, I am sure that cooperation will ensue. If we have confrontation and heavy-handedness through excessive regulations, more harm can probably be done to the environment than anything that I know. When I say that more harm can probably be done to

the environment, the experience of the Native Vegetation Management Authority comes to mind as a classic example.

The Government, through a determination, decided that there should be no more clearance of vegetation. Some areas of the State were over-cleared, and those farmers were not in any way disadvantaged or affected by the Native Vegetation Management Authority legislation. However, the owners of areas that had not been excessively cleared, areas where young farmers had taken on scrub blocks with a view to becoming landholders as they cleared those farms and brought up their families, paid for it. That small handful of people paid for the environmental protection of the whole State. I have said before in this House that that was totally unfair and unjust. If those properties had to be set aside for native vegetation retention, that is fine, but the State should pay for it, not those individuals. After all, those individuals are carrying the can for the entire native vegetation costs on their shoulders. Many young farmers have been effectively and financially wrecked because of the failure to give proper compensation.

I know that some of the compensatory measures relating to native vegetation are still subject to negotiation. However, I had a phone call only yesterday from a person wishing to buy a property where there is some regrowth. The argument will be whether that regrowth is too old or too young. The land in question has been cropped, but, because of financial constraints, the present owner has been unable to go ahead and properly clear the shoots off that property and those shoots have got away. It then becomes arguable whether that is native vegetation. It is not native in its natural state. Every authority was given to clear it in the first instance. But where do we stand on that now? It is not native vegetation as it stands, but some rule will probably say that because it is over a certain height it cannot be cleared. I hope that type of situation is sorted out in the longer term.

There are many other aspects to this legislation. It really is a Committee Bill that needs to be considered point by point as we go through it. I shall certainly have a number of questions to ask as we go through the Bill. I can see some ramifications and effects upon every person within this State, whether they be occupiers, landholders or whatever. For that reason, I support the second reading of the Bill thus far so that it can get into Committee and we can work through it point by point.

Mr VENNING (Custance): I rise in support of the general thrust of this Bill. I agree with my colleagues that this Bill certainly came from the blue, and certainly we have not been given much time to consider it. I want to take up the cudgels on behalf of my constituents, particularly farmers, because they have been portrayed as not being in favour of protecting the environment. I want to enlighten the House, as that statement is absolutely incorrect. Today, without a doubt, farmers are leading the way. For example, my grandfather took up our farm in the 1840s. I was a fourth generation farmer, and there is now a fifth generation farmer, and we know that, if we abuse our land, we abuse our ability to make a living.

I have to say that, at the moment, the conditions of the farming lands of South Australia are generally better than they have been for 50 years. When our forefathers came on they cleared, ploughed, did not put anything back and grew very few trees. Today we have changed all our practices around to consider the environment, so that the land can continue to produce and so that it will be better to work and be more productive next year than it was this year. Today we are doing it very well in South Australia, and I pay a tribute to the departments of the Government who have assisted over many years.

The farming and environmental lobby kicked off in 1930, when the soil conservation boards got started. The farmers then began to put a stop to the removal of our top soil. We all know how many thousands of tonnes of topsoil are washed into the river systems every year and that is still happening. However, we certainly have done much to stop that. Farmers are at the forefront of land care today, and I do not hear any person disagreeing with that.

As I said, in the 1880s farmers came in and cleared the land. However, we are now revegetating many of these areas because farmers know the areas that should not have been cleared. Shelter belts are now being put out for the shelter of stock and the general beautification of the farming land. Even for the native flora and fauna, farmers are putting in nature strips so that they can enjoy the birds and the animals that are native to this country. We certainly have come a long way. The most important point is that Governments are tending less to force it but more to encourage it. If people are not forced, they will soon see, without much pushing at all, the advantage of retaining their native vegetation.

As well as shelter belts, this State has an ongoing problem involving salinity. This problem has been generated by over clearing, and I am the first to admit that, particularly in the South-East of our State, the Mid North and Eyre Peninsula. Where the problem is bad, we are winning the battle by using salt bush and native species. I was disappointed with the setting up of national land care groups, because I thought it was a Federal Government initiative which cashed in on something that was already happening. It brought in a large amount of money, and what did we suddenly see? We saw huge amounts of money being spent on seminars, glossy brochures, executive travel, flash offices and all these other things and, when it came to the end of the line, the land care projects themselves, vis-a-vis the land care groups, we found that they got the money that was left.

This is the only complaint I have been getting for the past three years since I have been a member, namely, that there is not enough money for the land care groups, and this is because the budget has been blown, and so on. How many times did we see these flash, glossy, full colour brochures about land care? Governments are doing this basically to tell the populace at large that they are doing a wonderful job. You do not have to convince the farmers or the land holders, because they are already doing it. So, I hope that we will see that scaled down.

We have seen many very good projects put out by our land care groups—some funded by themselves, some by local government, but most of them through the soil conservation boards. I know about some projects in the Mid North, for example, that at Narridy Creek, which was to keep the water and the soil back on the farms, and the Pisant Creek scheme at Gladstone, which is a well known project. I do not apologise for the name, because that is its geological name. It makes it even more distinctive.

The retention of native vegetation, as my colleague the member for Flinders just said, has been attempted. I am afraid, however, that I do share his great concern as to why a few farmers who kept native vegetation on their land, or their fathers before them, should turn around and pay the final price and be left with that price. These areas, if they had to be saved, should be fully compensable because young

farmers bought these lands to clear them and to go farming, and in the end had that denied to them. I urge the Government to consider that and, if a part of land has to be retained because of its native vegetation, full compensation ought to be paid.

It is easy for city based people such as members opposite interjecting as they are tonight: they are academic type people who tell others what they are doing wrong. We hear it time and time again, but I ask members opposite where most of our pollution problems are coming from with our pollution today. It is coming out of this city, which is probably the heaviest polluted in South Australia. We know what happens. We have been getting heavy metal retention, unnatural storm water run-off, sewage, carbon dioxide and refuse, and of course the general waste management of this city is a huge problem. We are all creating our own problems. We are all living in the same sewer.

A critical aspect of this environment is that we all live together and we create our own smelly environment. It is a pity, because in South Australia we are becoming the most centralised State in Australia and probably the world. We have got out there in our region under-utilised resources, and we are all coming to Adelaide and overloading the system. It is a serious problem. A critical part of any environmental policy ought to be that of decentralisation. We cannot all live in the same area because we do pollute each other by our very proximity to each other.

If one wants to see an example of this one can go to Ho Chi Minh City in Vietnam. It was once a very fine city many years ago. However, it has grown and grown, and the infrastructure has not kept up with it, as a result of which they have a huge problem. Their main problem with which they want Australians to help is the pollution in the city, particularly the river, which they now call the Black River. It is an open sewer and it is an extreme problem to them.

I refer to the farmer who overstocks his farm or a pig man who overstocks his piggery. We heard the member for Flinders mention feedlots, which are a huge problem. These feed lots were all very good with up to 500 cattle on them, but now we are seeing 4 000 to 5 000 head in one feedlot. The system broke down and we have a huge environmental pollution problem. It is the same in the cities: we just cannot all live on top of each other. The infrastructure is there to protect us, but our cities are outgrowing our infrastructure. I want briefly to talk about the Murray River. Having just bought a property on the Murray in my electorate, in a magnificent environment—

The Hon. D.C. Wotton: Probably a magnificent property, too.

Mr VENNING: Yes, it is a magnificent property, and I invite members to be my guest there. The environment and pollution are very important on the river, because it is the water tank of this city and State. When one has a good look at the general environment of the Murray, as I have done for many years, one sees that this Government's laws over the years, rather than restricting environmental pollution, have caused pollution. I think we need a full re-work of what we do on the Murray River, and I know that when we on this side get into Government in a few weeks we will do just that *vis-a-vis* our shadow Minister, the member for Heysen. When one sees these blocks of land up there selling for a very good price and one sees that building is prohibited, one realises that people are putting caravans on and erecting tents and makeshift toilets. This is the worst possible way to do it, because you know what happens in the middle of the night: the porta-potty is full.

Guess where it goes. I am just surmising where it goes, because I do not see it, but these sorts of developments have to be brought under control. We have to allow reasonable development of these areas. I will not allow the areas to be totally opened up—never—they must be protected. There are areas where 'in-fill' development ought to be allowed under strict controls, not the slum-like development that we have, because it is a marvellous environment and forms part of South Australia's water supply. We cannot allow that to go on.

The beach front is a similar situation. One honourable member referred to our sand-dunes. We have to put more management into our sand areas, particularly when we see the sand-dunes blowing onto the roads and all over the place. This is one of my pet subjects as well. I would like to see them levelled and then properly vegetated, reasonable access to the beach provided so that people do not walk through the sandhills. They should walk on properly constructed wooden duckboards and there should be gates every 100 metres, not every 300 or 400 metres. People walk through the sandhills because they will not walk down the road after parking the car.

These are little things, but the average Australian has to be encouraged to look after our environment. I reiterate: farmers are leading the way. As all members would know, and as you, Sir, would appreciate, Australia has the reputation for the cleanest food in the world and that is something we value very highly, because in this country so far we do not have to take out these massive, chemically controlled programs in order to produce clean food. But we must continually assess and restructure our environmental situation with priority for the delivery of these environmentally clean services.

The soil conservation boards and the animal and plant control boards form a vital part of our environment. Members will be receiving correspondence about the amalgamation of these boards. This is an old hobby horse of mine from some 15 years ago. As chairman of an animal and plant control board, I always wondered why the total job could not be done by the one board, particularly when considering the distance involved in those areas. I was going to the Willochra plain, etc., to examine invertebrate pests and weeds and I could see the soil degradation at the same time, particularly because of rabbits. So I wondered why they were not linked and done together.

The Government has now put out a paper on this issue. I will not lock myself into a point of view, but my long-term opinion is well known—but I will listen to all the submissions—and I hope the Government will consider the issue before it makes a decision. As to the funding of this new amalgamated land care group. I would hope that the present proportion is maintained, otherwise local government will not support this, because there is no way it could pick up the tab.

The rationalisation of boundaries also has to be considered by this new board, and I will be looking very carefully at that, because at the moment the soil boards and the animal and plant control boards have completely different boundaries. Soil boards are organised by water catchment areas, whereas animal and plant control boards are based on local government boundaries.

The training of staff also has to be considered. Staff involved in one or the other area will need to be retrained and there will be a much greater need for multi-skilling. I would be looking at a phasing-in period of at least three years,

maybe five years. I hope that the Government consults fully with all people affected by this amalgamation, because there are many employees involved. I hope this is not a compulsory issue and that people will be encouraged to participate in a voluntary way. This is a very important issue and it will come before Parliament before the end of the year. I welcome that debate.

So many other aspects of our everyday lives are affected by this environment: first, the economy. You would not believe that the economy could affect the environment: it certainly does. I went to Singapore a few weeks ago and it has an economy that is booming; it does not have dirty industries. It can afford to be choosey about what industries it has, but poor economies cannot afford to do that. The poor economies end up with all the heavy polluters in their communities, and I am afraid Australia has been getting into that category. We must avoid that.

In relation to motor cars on roads, we have pulled out all our country railway lines in this State and taken away many of our tram services that used to ply the streets of Adelaide in the 1950s. The question is often asked: 'Why?' Adelaide trams were as good as any tram system in the world, but we have taken them out and now have dirty, diesel, polluting buses. More than that, we all choose to get into our own cars and drive to work. We must change this trend and go back to the non-polluting people movers, particularly trams and light rail systems. A good example is the Manchester light rail system, the newest and most modern in the world, which is an excellent way to move people around.

We have to do these things because not only are they convenient but they are clean. The Government has to show the way. Packaging is a big thing in our everyday lives. We all buy food in packets, whether it be milk, yoghurt or bread. We have to consider this when we buy foods, and the Government must encourage people to buy food in a packet that the system can manage. We have come a long way with this, but when we see the problems we have hit with our recycling programs—we have hit a few snags with those—we have to be a little more vigilant and encourage our people to do the right thing.

Waste management is using up more and more Government dollars every day, really soaking them up, as the Minister would realise. So, there are many choices. So much of our landfill is being filled up with hard, non-reducing refuse, that is, tyres, old cars, muck metals, alloys and food packages, etc. There is also freon gas. When the country gets into the poor league, cars are not maintained; there is freon gas in old motor cars and the freon gas gets into the atmosphere. I know in isolated rural areas how difficult it is to manage air-conditioning and refrigeration equipment properly.

If people are doing very well, they will do the right thing, otherwise I am afraid that often the spanner goes on and the gas goes into the atmosphere. Who is to know? Collectively, that affects everyone. People must be able to afford to be environmentally conscious. I oppose vigorously the Federal Government's extra 3¢ tax on petrol, as we heard tonight, and the price of leaded fuel will eventually go up 10¢ over a period. That will impact very heavily on country people. I know that the environment is the reason to do it, to get everyone onto unleaded fuel, but, unless the economy picks up so that people can buy new motor cars, it is a most unfair tax and I will be opposing that, whenever I can.

Once again, this will affect country people. If people are comfortable, they will consider the environment. After all, it is probably the next most important aspect in our standard of living, that is, our quality of life. Poor people are not involved in protection of the environment. Poor farmers are inclined to mine their farms: we have heard that comment before. They are forced to crop continually, as many are doing now. I support the thrust of this Bill and hope that the Government will accept our five-odd amendments; I also hope that the Government's 15-odd amendments will not affect this Bill too much, although I wonder why the Government has seen fit to put 15 amendments to its own Bill. I wonder why it was rushed in so much at the last moment.

We live in the best environment on our planet and we must keep it that way; in fact, we must improve it. All Australians today are environmentally conscious, and it is fitting that this Bill be before the House tonight. I support the Bill.

Mr SUCH (Fisher): I would like to make some brief comments in respect of this Bill, the general thrust of which I support. It is rather paradoxical that we have before us a Bill relating to the protection of the environment, which indicates that, as a community, we are not totally committed to protecting the environment. The very fact that we need legislation to ensure that the community looks after the environment suggests that we have some way to go before we are actually totally committed to doing that.

I would like to acknowledge the role of people within the conservation and environmental movement over many years. It is useful to recall that the environmental movement has gone through various stages; the earliest stage, barring going back to the Middle Ages and earlier than that, is the time around the turn of the century when we saw in South Australia, for example, the establishment of the Belair park and Flinders Chase on Kangaroo Island.

But it was not until the 1930s that the environmental movement took off, and then again in the 1960s it really took off with a vengeance and gathered speed in the 1970s. We now see the culmination of that in the sort of legislation that is before us tonight. Anyone who thinks that we have saved the environment is kidding themselves and it is a very dangerous position to adopt. We never save the environment: the environment is always at risk because there will always be people who want to take advantage of and utilise the environment in a way that is against the best interests of the wider community.

The Bill before us tonight is not set in concrete and over time it will need to be adjusted to take account of changing circumstances. We have seen that recently in relation to the proposed introduction of plastic bottles to market milk. Whatever legislation we are dealing with at the moment, we should not kid ourselves that that is the legislation for ever and a day. We should remind ourselves too that when we are talking about the environment—and this is a theme that I have harped on before—that ecology and economics have the same derivation in respect of the Greek word *oikos*.

Mr Ferguson: How do you spell it?

Mr SUCH: The spelling is very easy: O-I-K-O-S. The point is that for much of our recent past the environment and economics have drifted apart. What we should be doing—and hopefully this sort of legislation will encourage it—is bringing together the two aspects of what was originally intended to be part of the same notion, that is, good housekeeping—which is the origin of the word *oikos*. It is often said that in tough times we have to give up on the environment and concentrate on economic aspects. That is a very

foolish suggestion, tempting as it may be, because there is no such thing now as an option whereby we can disregard the environment. Good economics is good ecology and *vice versa*. It is a false dichotomy to separate the two, as is often artificially done by vested interests, whether they be on the extreme environmental side or the extreme industry side. The two must be seen as part of a whole.

We have a long way to go in relation to really coming to terms with the environment. There is a lot of lip service and talk about the environment, but when you get down to the nitty gritty, despite some progress in certain areas, such as the quality of the air—which is one area that has improved in most large urban areas of world, including Adelaide—there are many other areas that require significant attention. For example, we should have less packaging, less use of resources, less dumping, more recycling and more composting.

So, we have a long way to go before we can pat ourselves on the back and say that we have saved the environment or that we have become environmentalists. We recognise some of the problems and we are doing more about them than we have in the past, but there are still things we need to do. We can do a lot more by being more efficient in terms of energy use. That, as I said, is good economics as well as good ecology. I believe young people today are more committed to and aware of environmental issues. I was delighted recently to be asked by the Hub Kindergarten at Aberfoyle Park in my electorate to participate in the development of an environmental policy for the kindergarten.

In many ways I see that as more important than an environmental policy at university level, because here is a group of parents and kindergarten staff who believe genuinely that that is the time to start on environmental education, awareness and practice. I thought that was a very enlightened approach by that group of parents and staff and I was pleased to participate. The environment is not something that you add on and that you consider later in life: it should be part of a total approach to life and it should start in the very early days at kindergarten and even earlier. However, it is important in focusing on young people and the environment that we do not portray too negative a message about the environment. I believe that some people have engaged in scare campaigns that do not accord with reality.

As I indicated earlier, some aspects of the environment have improved significantly in recent years whilst others have deteriorated. It is important that we do not put across to young people a negative message, that we do not exaggerate the problems and that we focus on what can be done rather than on the negatives of the past. Many areas need attention. For example, in South Australia we have considerable fauna and flora reserves in low rainfall areas but for economic reasons we have tended to neglect high rainfall areas. So, whilst we might talk about large areas dedicated to national parks, if we are honest we have to say that, traditionally, those areas have low economic value. We should be mindful of not artificially inflating or downgrading our achievements or over-emphasising the negative.

We tend to focus on certain animals and plants. In my view, we have a sort of a pop star culture where animals such as koala bears and whales are seen as being more desirable than snakes and sharks, yet in ecological terms that is a nonsense because they all play an important role in nature. I suspect that koalas are popular because they resemble some humans and that whales are popular because they supposedly have an intelligence that is similar to humans. In other words, we cannot resist the temptation to see things in human terms. We see the world as serving us; whereas the Aboriginal people see the world the other way around. They see themselves as belonging to the world; we see ourselves as owning the world.

We have this strange view that animals and plants are desirable if they look like us or have an intelligence like ours, but we are less keen on the less attractive animals. That is a denial of the basic principles of ecology. People say that they have saved the environment when they have saved tall trees but they have destroyed the understorey. That is a complete nonsense in terms of protecting various species of insects and so on. Whilst we can say that we are doing better, we still have a long way to go in terms of understanding the ecology, its interdependence and interconnectedness, two of the fundamental principles which of themselves are very simple. If people understood that nature represents a web of interconnected and interdependent aspects, processes and so on, they would be less likely to throw pollutants into a river because the consequence would be the poisoning of birds and fish. Those principles are very simple, and as I have said we need to start at the kindergarten level or even earlier.

We have made great progress in terms of greater knowledge and understanding of the environment. It has become part of our culture in a sense that we now have departments whose task is to help protect the environment. That represents a great achievement by the conservation movement. We see a parallel in the women's movement and what can be done by social movements that pursue with vigour particular aims over a long period of time. I accept that there will be some opportunities to refine and finetune this Bill. Whilst South Australia is not first off the mark in respect of establishing an EPA, it is certainly amongst the frontrunners within Australia and the world. I commend the Bill to the House and to the wider community and I look forward to the opportunity to participate in the Committee stage.

The Hon. M.K. MAYES (Minister of Environment and Land Management): I move:

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

Motion carried.

The Hon. M.K. MAYES: One could say: where does one start to respond to comments from members opposite? I thank my colleagues for their unqualified support of this significant Bill. I think that the member for Peake summed it up: it is probably one of the most significant pieces of legislation that has come before this Parliament, certainly in my period as a member of Parliament, and I think that would apply to most members who have been in this House for longer than that. It certainly is something that we have needed for some time. In my reply I would like to address some of the comments which have been made by members opposite, some of which I think were rather cheap and quite transparent in the sense of how they should be assessed in regard to the Opposition's position.

It is important to note that we do need this legislation. It is also important to compare it with what is happening interstate, and also, if one has the opportunity and the privilege, to put it in an overseas context as well. It is very significant to reflect on what is happening interstate, and particularly with the election of conservative Governments. For example, in Western Australia we have seen a significant watering down of the Environment Protection Act as a consequence of the election of the Court Government. In fact, in that State we have seen an undermining of the independ-

ence of the chair and the executive officer of the EPA; a reduction in funding; and a complete restructuring of the operation of the EPA.

Given the advice I have received from a number of people from Western Australia, there will be a very significant reduction in the capacity of the EPA to operate in that State. I think it gives a good indication of how conservative Governments view the environment, and particularly environment protection legislation. Of course, in Victoria we have seen a similar approach which is not quite as clear-cut, but which certainly brought a reduction in funding for the EPA in that State, and again that reflects what has been adopted by the Kennett Government in its approach to the environment.

The Hon. D.C. Wotton: Have you bothered to talk to them?

The Hon. M.K. MAYES: I can get the information quite accurately without having to talk to them, but I have talked to the Ministers—

The Hon. D.C. Wotton interjecting:

The Hon. M.K. MAYES: I have spoken to the Ministers. I will not quote the Western Australia Minister because I am sure members would be horrified to hear what he said to me at the last environment Ministers meeting. It reflected what I regard as the traditional Tory approach to the environment: stay out of it, let the market forces control it and do not interfere in any sense. Unfortunately we can see what has come out of that after 150 years of European occupation of the major centres of Australia. I just respond—and I should not and will not in the future respond to interjections—that it is important that we put into context some of the comments that have been made about this Government being full of rhetoric and not action. If we look at what has happened with the election of Tory Governments in other States, we can see a lot of action, but in my humble view it is in the wrong direction to undermine the value that has been implemented by the Tory Governments in those States.

The Hon. D.C. Wotton interjecting:

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

The Hon. M.K. MAYES: I do not think that the member for Heysen has much to hang his hat on when it comes to Federal politics, if the Federal Opposition is any indication. Mr Speaker, I will ignore that, and I will respond only in relation to the Environment Protection Bill that is before this place. The member for Heysen commented about his so-called indications to my officers about not accepting a briefing. Perhaps there was a misunderstanding or lack of interpretation of his responses, because on 3 August he was approached by one of my officers immediately after the Bill had been put through our Party room. It was indicated that we would provide him with a briefing as soon as was convenient to him, and that we would make a time immediately. The honourable member's response was that it was not necessary, and he would get back to him if he needed a briefing.

The Hon. D.C. Wotton interjecting:

The Hon. M.K. MAYES: You had your turn. Just sit there and be quiet.

The SPEAKER: Order! The member for Heysen has been spoken to several times today. Let us not finish the day on a bad note.

The Hon. M.K. MAYES: As a consequence, the Director of the EPA followed it up on 10 August and offered a briefing, and once again the honourable member thanked the Director for the offer and implied that he would get back to him. We have heard nothing from him.

The Hon. D.C. Wotton: I explained why.

The Hon. M.K. MAYES: He did not explain it to the officers. He seems to have found an excuse here. So, it is quite clear that the honourable member was playing games and was endeavouring to score a few political points in the exercise.

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order! I warn the member for Heysen. I have spoken to him several times today.

The Hon. M.K. MAYES: I turn now to the issue of consultation, which I find extraordinary. I recall, as acting Secretary of what was the largest public sector union in this State, what happened when an industrial Bill was introduced by the Tonkin Government. I guess I had the audacity, as General Secretary representing 24 000 public sector employees—a reasonably senior position—to approach the responsible Minister' office for a copy of the legislation, and I was told it was not available to me. I had to go through the channels of the United Trades and Labor Council to obtain a copy of the Bill which had been introduced into this place by the Tonkin Government. It is extraordinary for the Opposition to claim that we have not been involved in a process of consultation, given its track record in this area.

I want to set the record straight with respect to the consultation process, which has taken 3½ years. It is a reflection on the officers involved. I want to pay credit to those people who have been involved in the consultation process over many years. I refer to the Director of the EPA, and the Director of Policy, Ms Di Gayler, who has been unfortunately rather sadly maligned and unfortunately criticised in this place by the Leader. These people have made a marvellous contribution and their efforts have been sterling in guiding this Bill through the process of consultation. They have put in enormous hours outside the ordinary call of duty to see that this legislation was put together with the full consultation of interested groups and those representing the broader South Australian community.

Let me spell out the consultative process that occurred from July 1991 to July 1993. In July 1991 the Government published a green paper. That discussion document proposed the establishment of the South Australian Environment and Protection Authority, a new integrated regulatory regime for pollution and waste management. The release of the green paper was followed by a period of public consultation. A total of 88 submissions were made and the proposals in the green paper were widely supported. The concepts were further developed in a proposal for consideration by the Government.

The proposal covered elements critical to the establishment of the Environment Protection Authority. I will just comment on that area. My colleague the member for Henley Beach has referred to the fact that it was the means of financing the EPA, and that included new priority programs; the organisational staffing support in the Public Service necessary to support an effective EPA; draft legislation to establish the EPA; and an integrated legislative framework for the protection of the environment of the State of South Australia.

The Government considered each of those essential ingredients in turn, and in August 1992, in conjunction with the State budget, the Government released a white paper. These were the efforts of my predecessor, the now Minister of Education, Employment and Training, who had the carriage of this matter from those early days. A series of fact

sheets on the Government's proposal were then distributed to the community for their consumption. The EPA financing proposals were announced as part of last year's budget, and those budget measures have now been implemented. We have the EPO, and the Director has been working diligently with the CEO of the Department of Environment and Land Management to put that in place.

During the remainder of August 1992 the EPA package was put together, and the white paper and the draft Bill were released for public discussion. A total of 84 submissions on those proposals were received from various areas. The member for Heysen asked for a break-down. I am more than happy to provide a break-down of where those submissions came from. There were 15 from local government, six from environment groups, 31 from industry and industry associations, 16 from other groups and individuals, and 16 from State Government agencies, advisory bodies and committees.

A list of those submissions at that stage was set out in the EPA information kit, which was released two weeks ago. The proposals see broad support from interested parties, with some reservations from various sectors of the industry concerning aspects of the draft Bill, and that has been touched on by some members during their contributions in the second reading debate. In order to address the issues that were raised, the department analysed the submissions clause by clause and organisation by organisation. That analysis was then used in refining and improving the Bill that is now before this place.

The office of the EPA, established as a group within the Department of Environment and Land Management, then undertook an extensive round of consultations with those industry associations and other industry groups to address with them the reservations they had concerning the 1992 draft Bill. Those consultations took the form of meetings, addresses and discussions with a wide range of organisations in that period from November last year to April this year. The Environment Protection Bill was then revised, taking into account significant submissions and views that were gathered, then collated and put together by the EPA.

While some will always argue for consultation *ad infinitum*, the effectiveness of the consultation undertaken in the legislation is best judged by the final outcome, the quality of the Bill and the responses of those who had a significant input. The member for Heysen said we have been discussing it today. That is true; that is part of what I call the living democracy that we are in. Those discussions were going on last night and today, and will continue. My door is open for those discussions to continue with industry, all conservation groups, interest groups and anyone else in this community who has some interest in the process.

Comments have been made by various members. In some detail the member for Bragg went through his understanding of the reaction of the interest groups. I think it is very important to put the record straight, because I know there have been various comments about the community's position. We will deal with that, no doubt; I hope that some of the amendments that I have proposed will resolve some of the feelings which the community has and which some interest groups have certainly reflected to me in the discussions that have taken place over the past couple of days.

It is traditional that when the Bill comes before Cabinet it then goes before our Party and then it comes before Parliament for release. Never has that system changed, and nor should it, because a degree of sanctity is required and a degree of ownership exists once that Bill is put before Cabinet, goes to the Party room and then comes to the Parliament. That is when it is open for full discussion and consultation. If one looks at the history that has taken place since July 1991 through to this day, one will see that there has been extensive consultation and discussion. It is absurd to accuse the Government, in particular the officers concerned, of not being involved in consultation.

I do not know of any other legislative measure that has had as much consultation as this one, and certainly in my experience of the legislation I have put through here in the various portfolios I have had over the past 7½ years none has equalled this in the way that the community has been so thoroughly consulted. The Chamber of Commerce and Industry has stated:

> The chamber is reasonably content with the degree to which our proposals have been accepted and included in this redrafted Bill.

The SA Farmers Federation states:

> . . . the Bill has been received in a positive way by the organisation . . . A single piece of legislation should introduce efficiencies for both Government and industry.

BHP states:

> A number of the concerns raised in our submission on the draft Bill have been addressed.

So much for the criticism of the Opposition that we have not consulted. We have taken those into account. Quite clearly, BHP has indicated that. It continues:

> We would like to take this opportunity once again to express our support for the objects and principal themes contained in the Bill, and our thanks for the efforts that you and your office have made to enable BHP Steel to engage in what we believe to have been constructive participation in its formulation.

SANTOS gave oral advice that it considers this to be a reasonable Bill and that it will support the thrust of the Bill. The National Environment Law Association states:

> NELA maintains its strong support for the establishment of an Environment Protection Authority and for the establishment of an Environment Protection Act to consolidate existing environmental legislation. . . NELA generally supports the revised Bill.

Of course, this month's EPA information kit includes a summary of the significant submissions and actions taken in finalising the Bill for consideration by Parliament. I believe that the Bill now reflects a significant step forward in environment protection in South Australia providing, on the one hand, strong new environmental protection legislation which is comprehensive and promotes ecologically sustainable development and which will enable the quality of the South Australian environment to be effectively protected for our community's benefit and for the long-term benefit of South Australians.

The Bill also has significant benefits for industry in South Australia. For example, I believe the comments by the General Manager of the Chamber of Commerce and Industry have been significant. The comments he directed to me were made along these lines when we have been involved in various launches: the launch in terms of the industry best practice, the formula that we put out earlier this year, and comments such as, 'It cuts down unnecessary red tape, duplication and permit chasing. It encourages a positive image of industry to take up a pro-active approach to their environmental management responsibility, and it has an important mechanism for rewarding good environmental performance on the part of business in South Australia.'

Benefits are to be gained, and we can see that every week. A fortnight ago I was down at Jeffries Garden Soils and noted the wonderful initiatives taken by that company in South

Australia. They will be at the forefront in Australia in reclaiming fill so that we can turn it back into compost—and that is taking place not far from your electorate, Mr Speaker.

Today we had the opportunity of being with Enviro Waste, which has now initiated a tyre shredding machine at its initiative and expense along with Bridgestone. It is great to see another initiative where we can actually reclaim all the elements that make up tyres. Such opportunities are presenting themselves to South Australian companies and, as the member for Custance has said, it is important that we recognise that those countries which are actually at that level of the new horizon of technologies have grabbed those opportunities and are now presenting them to the rest of the world. Countries such as Japan, Singapore, Germany and France are all looking for those opportunities because they realise that that is the way industry is going, that smart industry is in that area and that it is significantly benefiting from it.

In the Bill we have placed important emphasis on a number of aspects, and I will touch on them briefly. Finding solutions to problems of pollution and waste is a significant aspect of it. I refer to attacking the causes and sources of environmental contamination and encouraging cleaner production, waste minimisation, the best practice environmental management on the part of private and, let me stress, the public sector, and we have touched on this on numerous occasions.

I want briefly to comment on this again because it could be said 'ditto' for a number of comments that have been made. We have to lift our game in the public sector. In a number of areas along our coastal front we have seen our seagrasses recede and, to a large extent, what has come from our sewage treatment works has impacted on our metropolitan aquatic environs. That has had a significant impact on our breeding areas for our fish stocks and has affected the economics of our fishing industry.

The member for Hayward commented about it all going back to Government, but we see about 340 000 recreational fishers using our metropolitan coastline. If we put all that together, we see that it is an enormous pressure on a limited resource. Having been Minister of Fisheries, when it comes to such farming I have some knowledge of that and I am delighted that my colleague the member for Hartley has that portfolio. He is managing it well and I want to encourage him to continue to do so. As Minister responsible for fisheries, one always has to take into account the enormous pressure on limited stock.

We do have a responsibility, and public sector bodies must pick that up just as much as the private sector, which is not excluded; nor is it in any way free of the responsibilities that the private sector has. Of course, some deterrents are built into the Bill in the way of significant penalties to be applied to those who cause serious environmental damage and harm. Powerful clean-up measures are also incorporated and will provide the opportunity to recover or rectify that damage.

It is important to look at this matter in a full context. It is not gilding the lily to describe the Government's Bill as landmark legislation. In the Premier's words, the legislation sets a course for achieving environmental excellence and international competitiveness in business in South Australia. It means to us that economic development and environmental protection in this State can and should go hand in hand not head to head in terms of development as it occurs in South Australia.

Contrary to the claim by some members opposite, if they have been accurately reported by the *Advertiser*, the Government has certainly not missed the opportunity to introduce new and positive environment protection measures through this Bill. In fact, in my opinion, given my reflection on what is happening in Victoria and Western Australia, where it seems they are discarding the EPAs and undermining the capacity for them to act as independent bodies, we are going in the opposite direction, the direction in which I believe an overwhelming number of members of our community want to see this Government go.

So the Bill establishes an Environment Protection Authority (EPA)—a one-stop-shop covering air, water quality, land contamination, excessive noise, and industrial and other waste. It is significant that we look at what it does achieve and how it will be achieved. It establishes greater cooperation between Government and industry. I want to stress that, because it is important for us to note. We have worked closely with all those interest groups—industry in particular—to win their support for this because, without their support, there is no way that this Government, any other Government or any Government authority can actually implement any part of these Bills. It must have the cooperation of the larger community, and industry is an important part of that.

We must give the EPA the opportunity of extensive powers within this area to step in and halt environmental abuse. If we do not have those powers, we will not achieve the end result. But we would hope that those powers are used infrequently and reluctantly and that in fact we can avoid having to implement what, I guess, is seen as the legislative stick.

The legislation is a major reform replacing those six Acts, and that has been touched on by numerous members. It reduces, I believe, the bureaucracy within the provision of environment protection in this State. This initiative will give South Australia a single integrated system, protect the quality of the environment and give greater certainty—and I emphasise greater certainty—greater simplicity and clarity to industry. The EPA will collaborate with business, Government and local government. I stress again that local councils are very important in this issue. It will stimulate innovative approaches to cut pollution and reduce and recycle waste, and to encourage voluntary environmental audits to measure industry's performance.

There is some nervousness about that, but I think our industry at this stage is mature enough and able enough to institute that sort of regime; I want to encourage industry to do that. Support business—

An honourable member interjecting:

The Hon. M.K. MAYES: Well, I may be too kind but I think we have to look at it from the point of view of industry picking up the challenge at this time, and I believe it will.

The Hon. T.H. Hemmings: They have to prove it, Minister.

The Hon. M.K. MAYES: I hope we can see that come through and, given the good indications and the spirit in which industry has adopted these discussions, I am sure that will be the case. We want to see support from businesses to develop their own environment improvement programs for the future. That is happening. As I said, a fortnight ago I had the opportunity, with the member for Heysen, to attend the Jeffries Garden Soils company when it launched its new program; it was magnificent. I think we will see more and more companies take up the challenge, look for innovation

and enjoy the positive results they get from the community and, of course, the praise which they deserve.

The positive partnership we will foster environmentally is important because it will bring in sound practices; it will minimise risks to our health and the health of all living organisms in the community. Environmental factors will be improved; the factor essential to the quality of life of all South Australians will benefit from the introduction of this Bill.

Another key feature of the legislation that I need to touch on briefly in terms of this summary of where we are going with this significant legislation is the objective of ensuring that environment protection issues are considered as part of planning decisions. Of course, the member for Heysen indicated that it would have been better to see the two Bills come before this place and go through together. I agree but, unfortunately and ironically, the amount of consultation that took place with the industry and the community slowed down our process. But we wanted to see that consultation occur so that when we did put the matter before this Parliament we could quote, as I have already quoted from those various industry and community representatives, their views in regard to this Bill.

We also want to see the opening up of environmental policies and standards and EPA decisions to public consultation and scrutiny. That is very important. The accountability of this Parliament to the public is significant and it is built into this Bill. We want to see the automatic adoption of national environmental protection measures, thus meeting South Australia's obligation under the inter-government agreement on the environment to achieve greater consistency between States. From discussions that I have had with the New South Wales Minister, I think that probably from this State's point of view we are closer to New South Wales than to any other State. I think he is astonished about what his colleagues are doing in Western Australia and Victoria.

Applying the same rules of environmental responsibilities to the private sector and Government agencies is very important when we look at what is happening in other States. With regard to bringing industry into South Australia, we want consistency nationally so that we do not disadvantage them or they do not suffer a disadvantage by coming to South Australia. I guess the well-worn phrase 'the level playing field' should apply. That is an attempt that we have embodied in this legislation to offer to our industries here and to attract new industries into the State.

There are legal requirements to the State for an environmental report every five years. That is significant. Today I had the opportunity and privilege to introduce the second one. My colleague the former Minister of Environment (Hon. D. Hopgood) in 1988 had the opportunity to bring forward the first report, which was the benchmark and which set the pattern for what I believe to be an ongoing report on the state of the environment from each Government as it goes through every five years. Tough penalties for environmental harm and wide clean-up powers are very important.

The Opposition, particularly the member for Hayward, has made mileage out of saying, 'Too little, too late.' Let me make some comment about that remark. Interestingly enough, it appears that, early in 1993, the Liberal Party, under the former shadow Minister, the member for Morphett (Mr Oswald), wrote to four major mining and petroleum companies seeking financial contributions of $5 000 from each company towards the payment of PPK to develop an alternative Environment Protection Bill. Funnily enough, that fell off the back of a truck and came to my attention. At least two companies declined to be involved. Nevertheless, the proposal went ahead and a briefing was held at Parliament House in January 1993 attended by the Leader's assistant, Mr Richard Yeeles. The meeting was told by the consultant, Mr Geoffrey Ayling, that the proposals in the Bill for incentive payments to industry would be funded by increased water charges under the privatisation of the E&WS.

The Bill was prepared but never publicly released. There had been no public consultation. Surprisingly, this interesting document was presented by the Liberal Party as its alternative to the Government's Environment Protection Bill. Bear in mind the date—early 1993. We have had the draft Bill, the white paper, the consultation reports and the information sheets presented to the community, and suddenly the Liberal Party has this Bill. This Bill, which I will make available to anyone who wants to see it, is a bureaucratic nightmare. It is an absolute outrage for the member for Hayward, the anti-tree man, to stand up here and say to me, 'Too little, too late', when one sees what is contained in this Bill. The Liberal Party's Bill was meant to be paid for by industry. The member for Morphett was too lazy to do the work himself. He had to put out his hand and say, 'Cough up.'

An honourable member interjecting:

The Hon. M.K. MAYES: The honourable member interjects that it was 10 years ago. No, it was this year. January 1993 was when the Bill was prepared. A number of industry people were very concerned about it. They came to me and said, 'This is an outrage.' When they saw the Bill, even industry reacted and said, 'This is extraordinary.' We will go through it. Instead of a single authority, it established six new authorities. This is the small government Party. Well might the member for Heysen move in his seat and look away. When this is released it will show the hypocrisy and attitude of the Opposition in regard to the EPA.

They were cornered, and they had to run, because they knew the importance of the environment, particularly to the young people, and they were captured by this. The document continues:

> It has an economic environment policy authority, an environment protection authority, an economic planning authority, an economic environment research and development agency, an economic environment management industry agency and an economic fund organisation.
>
> In addition, there are proposed regional management advisory committees with the responsibility of managing all this nightmare, this bureaucratic maze, that they put together in order to achieve protection of the environment. The Bill was hatched in secrecy. It was proposed the public be kept totally in the dark, in my opinion, about environment protection.
>
> The call of the regulatory regime is a system of private contracts between polluters and commercially run environmental funds—contracts that are totally bound by commercial confidentiality provisions and breaches of which were punishable by gaol terms.

Extraordinary stuff! It continues:

> Companies involved in these secrets deals could not be prosecuted for environmental offences. There is no allowance anywhere in the Bill for public access to information or for public involvement in policy or enforcement decisions. There is no allowance anywhere in a host of authorities for conservation interests to be represented on the boards.

Yet, the member for Heysen has the cheek to foreshadow an amendment in Committee, which we will deal with later on, concerning representation. It continues:

> The whole thrust of the Bill was for much work to be done in development plans, advising authorities and undertaking investigation to be handed over to private consultants, with no accoun-

tability to Government or to this Parliament. It is anti-public and anti-accountability.

I am more than happy to make that document available to members.

An honourable member: Table it.

The Hon. M.K. MAYES: Well, I'm happy to table it, Mr Speaker. But they will see, from the information provided through this Bill, that anything that the Liberal Party gets up and says in this House or in another place about how we have done too little too late or how we do not have a commitment to the environment is made a joke of by this—just because of the presentation. The member for Morphett was then the shadow Minister. He was governing this; he was managing it. It was an extraordinary document. Obviously the shadow Cabinet knew about it. The Leader's office was involved. They had their opportunity to hear the briefings, they were responsible for guiding this marvellous legislation, which was brought in by their initiative. They asked for it to be paid for not by them but by the industry. It is an extraordinary piece of documentation, and I am more than happy to distribute it to members.

In summary, I am very pleased to be given the opportunity as Minister of Environment and Land Management to have the carriage of this Bill. It is very significant. I am delighted with the work done by the officers and I thank them and congratulate them for their efforts. I thank community members for their support of this extensive consultative process that commenced back in 1991 and also for their contributions to what is a very complex piece of legislation. I thank my colleagues, my predecessors in this place, the members for Baudin and Mawson, who have had a lot to do with promoting this legislation. I am privileged to have been given the opportunity, by circumstance, to bring forward this legislation, and I am delighted to see that there is an indication from this House that it will be supported.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

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

Page 3, after line 22—Insert definition as follows: 'injury' includes illness.

Page 4, lines 24 and 25—Leave out all words in these lines and insert:

'environmental harm, and includes—

(a) waste, noise, smoke, dust, fumes, odour and heat; and

(b) anything declared by regulation to be a pollutant;

Amendments carried.

The Hon. D.C. WOTTON: There are a number of new sections for which interpretations are given, and I refer particularly to cleanup orders, environment performance agreements, information discovery order, and so it goes on. The basis of many of the decisions that are to be reached in administering the legislation are to be based on being 'reasonably practical'? Whilst this sounds fair, I believe it needs to be defined otherwise it will leave too much open to legal interpretation. We can go to the *Oxford Dictionary* and we can look at the different definitions, but there appears to be a wide choice. On the one hand we are seeking to impose the possible, using sound judgment, while on the other hand we are simply looking for an inexpensive and plausible solution.

It is not easy to find what to most people is commonsense. I note, for example, that the British have recently defined best practical means and more recently a new definition that refers to best available technology. Will the Minister therefore agree that it is not sufficient to rely on the dictionary definition or define what is meant by 'reasonably practical'? If he cannot, will he demand of the authors of this Bill a definition that is clear and concise? Similarly, I might add that 'cost effective' appears in the Bill and I suggest that this is a bit of modern jargon and unless defined should be expanded to more clearly convey the intent.

The Hon. M.K. MAYES: The definitions would be common to the court and the first aspect of the member's question in relation to the overall meaning of clause 3 and those interpretations and how they would be further expanded on relates to the policies which would be enunciated or put in place by the Minister in accord with the provisions set out in the legislation.

The Hon. D.C. WOTTON: They are not definitions common to the court because I made inquiries about that before the question was asked. I believe that there is a need for a better definition to be provided in this case because I can see that the lawyers, the legal fraternity, will have a field day unless that happens. That is in the hands of the Minister, but I would hope that that would be addressed.

Earlier today I received a copy of a letter from the Credit Union Services Corporation sent to the Minister, and it is dated today. The correspondents apologise for the lateness of the submission but, as they received a copy of the Bill as late as 12 August, they feel that they are quite justified in bringing forward their concerns. They are concerned that the term 'owner' is defined in this clause as the owner (at law or in equity) of the estate in fee simple. If the interests of a mortgagee in the land are not as provided by the Real Property Act, the mortgagee has a mere statutory charge over the land and the mortgage does not operate as a transfer of the land charged.

The representation that the corporation has made goes on to suggest:

As a consequence, it would be difficult to see that the term 'owner' as used in the Bill could include a mortgagee.

The corporation has asked to have this point confirmed. If this is not the case, it is concerned about the liabilities imposed on lenders under part 10 of the Bill. I share its concern. It is also concerned about the term 'occupier', which, in its opinion, is broad enough to include a mortgagee who has taken possession of the land pursuant to the exercise of its security and would also include an agent of the mortgagee in possession or a receiver.

The corporation expresses a lot of concern in regard to this matter. It goes on to express a concern about the term 'environmental harm.' It assumes, however, that the term 'pollute' is a subset of 'environmental harm' and 'environmental nuisance', as those two terms are defined by the Bill. I presume the Minister has seen this letter. I would like him to give an assurance that he understands the concerns and will act on them.

The Hon. M.K. MAYES: I have not seen the letter myself. I have just been informed by the officers that we received the letter today. I am advised that the issues that have been raised by the Credit Union Services Corporation representatives have been raised by the Bankers Association and have been dealt with within the terms of the Bill. I cannot give any better explanation at this time and, certainly, there may be some detail in the letter that needs to be more carefully addressed and I will do that. I give an undertaking

that we will address that immediately. I hope to be able to respond to the matters raised in the letter early tomorrow.

The Hon. D.C. WOTTON: In part, clause 3(1) provides:

> 'environment' means land, air, water, organisms and ecosystems and includes—
>
> (a) human-made or modified structures or areas. . .

There is some concern about human-made or modified structures or areas, and I can only presume that they could include buildings, sheds, fences, bitumen roads, etc. Concern has been expressed again about that definition and its vagueness.

The Hon. M.K. MAYES: The advice of the officers is that the definition is all-encompassing. I cannot add anything more than that. That is the best advice I have received.

Mr BLACKER: I wish to pick up the question asked by the member for Heysen in relation to occupier/owner. There have been recent instances where properties have been taken over by banks and so forth and, effectively, they become the owners at that time. Are they subject to this legislation as of that time? Taking it one step further: with all of the debate about leases, tenure and so forth, and the possible implications of Mabo and the Pitjantjatjara land rights, are those areas covered by this type of legislation? Do they comply with every point of the law and are they subject to the same courts, etc?

The Hon. M.K. MAYES: The answer is 'Yes' and 'Yes'.

The Hon. JENNIFER CASHMORE: 'Domestic activity' is defined as being an activity other than an activity undertaken in the course of a business. I am surprised that that definition is so broad, and surprised that there is no separate definition for 'recreational activity', because recreational activity, particularly in the area of noise pollution, is an important area that affects a great many people. I am thinking particularly of the noise of music emanating not from a business but from private homes, which would be more appropriately described as recreational activity rather than domestic activity. Similarly, trail bike riding in dunes or on mountains; model aeroplanes, which are not flown usually on residential property but on ovals and in open areas; and also the possible pollution of waterways by power craft.

None of those activities, in my judgment, could be defined as domestic activities. They all take place outside the home and each has the potential for pollution of one kind or another. I wonder under what definition those activities are covered in the Bill.

The Hon. M.K. MAYES: It is a good point, and I think the explanation I have is comprehensive and answers the honourable member's question. If it is not organised, it falls within the domestic definition. If it is an organised recreational activity, it will fall under business. The reason for the differential between business and domestic is the difference in penalty. The advice I have from the officers is that it does capture both aspects, whether it is organised recreational or, in a sense, just a recreational activity that is freelance and on the initiative of any individual.

The Hon. JENNIFER CASHMORE: I accept the Minister's explanation but make the point that the law needs to be intelligible to lay people, and most people would define domestic activities as those somehow related to the home. It is hard for me to comprehend how, whether it be an organised or an individual activity, a trail bike ripping through the dunes of the Coorong could be described as a domestic activity. Similarly, model aeroplanes on a suburban oval. To me, that is not a domestic activity.

Recreation has a very important role in the lives of South Australians, and recreation that creates noise nuisance is a very common problem. Has the Minister contemplated an additional definition of 'recreational activity' and, if not, is he satisfied that the word 'domestic' is sufficient to cover the point for a large number of people who are troubled by noise pollution, water pollution or air pollution resulting from recreational activities?

The Hon. M.K. MAYES: It is a very good point and one that warrants our attention. I am assured by the officers that we need to clarify it in schedule 1, page 107, which designates that sort of activity. For example, under schedule 1, clause 8(5), Motor Racing or Testing Venues, provides:

> The conduct of facilities designed and used for motor vehicle competitions or motor vehicle speed or performance trials.

The officers assure me that the point that has been raised by the honourable member is captured by setting it out clearly in the schedule for those who require a licence. We do not need a definition of 'recreational activity' as a subcategory away from domestic or business activity. But it is a good point and I will take further advice. If we do need to consider it and we can in fact identify in the process in the next few days that there is a gap, I can assure the honourable member that we will take her recommendation on board.

Mr HAMILTON: The Committee would be aware that going back to at least 16 October 1991 I have raised the question of domestic noise and in particular noisy parties. The Minister would be aware that within the Caucus of the Government I have continually raised the question of the activities of those people who conduct unruly parties on a regular basis and who disrupt the local community.

The Minister would also be aware that I have sought to have the Act amended in order to give the police the appropriate powers, on their on initiative, to be able to go into a private residence and tell the person or persons who are involved in rowdy and disruptive activity to curtail the disruption to the community. It has been a frustrating exercise over the many years that I have been in this Parliament.

However, I believe that we have now reached the stage where under some sections of the Bill the police now have the powers on their own initiative to go in and address this problem. Which section of the Bill contains these appropriate powers? What penalties are contained within the Bill and can the Minister point them out?

The Hon. M.K. MAYES: The honourable member will see that clause 3 contains the definition of 'noise'. It captures his very point. As we go through the Bill we will encounter those areas that deal with the actual definition, the management of it, the offences that flow from it and the penalties that flow from that. The honourable member will find that it covers his concerns.

I know that over the years the honourable member has been a very strong advocate for his constituents to be given further protection from noise pollution, whether it be from parties or other activities—be it from business, domestic or, indeed, recreational activities—which have been of major concern to many people. I suffer the same problems, because I have in my electorate several industries which have over the past years created problems and which have genuinely endeavoured to address those issues to bring the environment back to a level which is acceptable and which provides a reasonable amenity in that area.

However, there is always a situation, which I am sure every member in place has encountered, where circumstances

clearly suggest that there has to be an improvement in performance. We are now giving those powers to our authorities to implement such measures. We will encounter that as we go through the Bill.

Mr HAMILTON: The Minister wrote to me earlier this year in relation to this Bill and said that the matter of police powers in relation to domestic noise had been addressed in the EPA Bill. The police have expressed their concerns regarding the problem of obtaining evidence of a formal complaint. A formal complaint is not a requirement of the relevant section of the Bill. This matter is contained in the evidentiary provisions of the Bill in section 115. I ask the Minister whether that is now clause 140. Clause 140(4) provides:

> In any proceedings for an offence against this Act where it is alleged that the defendant caused an environmental nuisance by the emission of noise, odour or smoke, evidence by an authorised officer that he or she formed the opinion based on his or her own senses—
>
> (a) that noise, odour or smoke was emitted from a place occupied by the defendant and travelled to a place occupied by another person; and
>
> (b) that the level, nature or extent of the noise, odour or smoke within the place occupied by the other person was such as to constitute an unreasonable interference with the person's enjoyment of the place,
>
> constitutes proof, in the absence of proof to the contrary, that the defendant caused an environmental nuisance by the emission of the noise, odour or smoke.

That is why I raise this question. Can the Minister confirm that those provisions are now contained in clause 140 of this Bill?

The Hon. M.K. MAYES: The answer is 'Yes.' Consultations with the Police Department indicate that the police are happy about this. Members might have seen on occasions television programs, particularly European programs. I draw members' attention to the television series *The Bill*, a number of programs of which have highlighted the metropolitan police implementing expiation fees on the spot. They use a different process. A council noise officer is brought in, and he or she has to call the police to quieten the disturbance, and an expiation fee is then issued on the spot. I think our system is much better, and the police are very pleased with clause 140(4), to which the honourable member has referred.

Mr BLACKER: My query cuts across a number of interpretations. I refer to the definition of 'land' which includes 'land covered with water' and to those of 'licence', 'marine waters' and 'environmental authorisation'. Does this legislation mean that a person who undertakes an aquaculture venture in a farm dam must obtain a licence under this Act and therefore pay more prescribed fees for an industry that is contained totally within those farm boundaries? The same question would relate to a cattle feed lot. If a farmer is rearing cattle and sets up a little feed lot to finish them off with six weeks of feeding grain, because that feed lot has the capacity to handle 50 or more head of cattle must he now have a licence under this Act?

The Hon. M.K. MAYES: I draw the honourable member's attention to page 105 of the Bill. Schedule 1 highlights what is required to be licensed under the Bill regarding aquaculture or fish farming. It clearly refers to the propagation or rearing of marine, estuarine or freshwater fish or other marine or freshwater organisms, but not including the propagation or rearing of molluscs or finfish in marine waters.

Mr BLACKER: Does that mean that an oyster lease would be exempt from this provision of the legislation but that a yabby farm, which I hope to have one day, may well be included under this Act and that, therefore, I would be required to have a licence under this Bill, as would any person who grew yabbies or freshwater fish in their farm dam or pond?

The Hon. M.K. MAYES: I am drawing on my memory regarding the oyster farming and marine waters aspects. If the honourable member recalls, the Department of Primary Industries has adopted an approach which regards that process as being part of a code of practice.

Mr Blacker interjecting:

The Hon. M.K. MAYES: That is a joint agency situation. There was quite at bit of public debate about that a couple of months back. The picture is as the honourable member has summarised it, that is, in terms of what will be required to be licensed, and his example of a yabby farm is the accurate picture in terms of licensing versus oyster farming in a marine environment.

Mr HAMILTON: I want to go on record as expressing my appreciation to the previous Ministers, the present Minister and officers of his department for their work in relation to the controlling of noise, particularly in domestic circumstances. Over the years I, like many other members of this Parliament, have received numerous complaints from constituents about unruly neighbours and parties. It is frustrating for police officers to be called to an unruly or noisy party in different areas—particularly in my electorate—only to find that neighbours are not prepared to lodge a complaint, and therefore the hands of the police are tied.

Years ago I wrote to the inspector in charge of the Port Adelaide police and of the Henley Beach police seeking their support for such a provision. This provision was welcomed not only by inspectors but, I hasten to add, by police officers out on patrol. I am also prepared to place on record my appreciation on behalf of many of the elderly people in my community who have been frightened to lodge a complaint for fear of recrimination from those who have participated in these unruly parties and disrupted the community. So, this is a most welcome measure, and my appreciation goes particularly to the staff of the Minister's office who have had the intestinal fortitude to make these recommendations to the Minister.

Last but not least I would like to thank my constituents who have brought this to my attention over a period of time and who have given the support so that we can write to the Minister and have this provision incorporated in the Bill. I believe that it will give a message to those elements in the community, particularly with regard to the festive seasons and long holiday weekends, that no longer can they disrupt the community at will, or instil fear into their neighbours or people in their local communities. It is a most welcome piece of legislation, and there is no doubt, as you, Sir, and my colleagues would be aware, that I will circulate this to my constituents and to the police officers, who now have additional powers to say to those yobbos and people who think they can get away with disrupting the community that they are now going to be taken to book. I thank the Minister and his staff.

The CHAIRMAN: Yes, the Chairman would be aware of that.

Mr MEIER: What is the anticipated fee for a freshwater yabby farm, aquaculture enterprise and a cattle feedlot, and for what purpose will the fee be used?

The Hon. M.K. MAYES: I cannot give the honourable member a satisfactory answer, because the fee will be established by regulation. There will be differential fees

depending on the nature of the operation, and that is as far as I can go at this point in time. As soon as we have some indication in regard to that fee structure, I will be more than happy to inform the member for Goyder and the member for Flinders, who I know has a very strong interest in this issue, as I am sure do other members in this place. The answer at this point in time is that it would be established by regulation. I cannot give an answer that I would feel comfortable about at this time.

Mr MEIER: I acknowledge the Minister's answer. I still ask the second part of the question: for what purpose would the fee be used? I will follow on a little bit from the member for Albert Park's questioning, because I have reached that unenviable stage where I have one son about to turn 18 and one son who is 16. The son who is about to turn 18 is putting pressure on father and mother to have a party, and the only place to have it would be in the garage. There would obviously be some loud music if what he plays in our household on a day-to-day basis is any indication of what would be played at a party. What sort of warning will the police give before they come in heavy on an 18th birthday party or a similar party where neighbours may complain about the noise?

The Hon. M.K. MAYES: I would like to address the second part of the first question raised by the member for Goyder in relation to the fees relating to aquaculture. There would be a licence application fee and then a licence fee, if you like, in a sense segmenting the aspects of the fee. The application fee would be for the administration costs. I referred to the differential. My understanding at this time, before we get to a final figure on this, would be that the differential aspect would be in the second part, which would deal with the level of potential pollution, I guess, that the commercial activity could incur within the environment, such as a potentially highly toxic activity within an industrial environment versus a yabby farm.

There would be a significant margin in the differential of those fees. That may give the honourable member some comfort as to the mechanism or formula of the application. The licence application would be dealt with under that aspect, and then there would be the pollution potential aspect of the fee. I guess that yabby farming would be very much in the lower category of that fee in terms of any differential that would apply.

As to the third question in relation to the discretion of the police in applying the provisions of the Act with respect to noise, I think that would be very much a discretionary aspect. A procedural process outlined in the police manual would be followed, and that applies now as to how police officers administer the law. The police manual will probably be updated in terms of how police officers will approach this issue—with a warning as to the level of noise, and so on. I am sure we will be able to have that information as and when the Bill goes through, if it is successful in both Houses. There will be a clear explanation of procedure.

The police are very sensitive to issues of this nature in particular which are, in a sense, domestic situations. An industrial situation is significantly different, and I am sure that a different regime would be established in relation to the operation with the EPO and the police.

The Hon. T.H. HEMMINGS: I was not going to get involved in the debate on this clause, because my colleague the member for Albert Park adequately covered it on behalf of most members in this place. However, after the contribution of the member for Goyder, I was forced to my feet, because time and again we have examples where members of the Opposition demand strong action by Government and draconian measures for any of the authorities—in the main the Police Department—but, as soon as that is given, they ask what discretionary powers and avenues are available so that they can get one of their mates off.

Contrast the contribution by the member for Goyder (who wants to get all his friends off the hook or his friends' children off the hook or, even worse, his son off the hook) with that of the member for Albert Park, who has gone out there, the bane of all Ministers, prepared without fear or favour really to go in there and fight for people who have been subjected to the intolerable attitude of some of their neighbours in creating an awful racket around them. I am not his election agent by any means, but the member for Albert Park will now say to all these people who have been harassed over the years and on whose behalf he has made representations to the Minister, 'It is in there now; go for it and I will back you up to the hilt.' No wonder he was called Tiger Kev when he first came into the House.

As with all the regulations that have been put forward, such as those involving traffic infringement, if it concerns country folk the member for Goyder wants discretionary powers so that the local copper can be given the instruction, 'Don't touch Mr Meier's house; his son is having his 18th birthday party, so you have to act with some discretion.' I say that somewhat facetiously, but, instead of congratulating the Minister and saying, 'At long last we have given the police powers to be able to rid society of those kinds of hooligan attitudes', the member for Goyder says, 'Yes, we grudgingly agree with you, Minister, but now give us an option where the local coppers could be told to lay off and not to come in.'

I would rather have the member for Albert Park representing me when I arrive with my complaints than the member for Goyder, who was my member of Parliament at one time. I thought he was a fine gentleman at that time, but I am having second thoughts now. If there had been any people next door to me having wild parties, a fat lot of good it would have done me to go to the member for Goyder, because he would have been on the side of those people making the noise.

Mr MEIER: I am absolutely amazed at the contribution we have just heard from the member for Napier. The member for Napier would make Hitler look like a fairy godmother, because it is quite clear that if he had his way—

The Hon. T.H. HEMMINGS: I rise on a point of order. I know I have a reasonably thick skin, but I do take exception to being likened to Hitler. I think the member for Goyder is in poor taste, and I would ask him to withdraw.

The CHAIRMAN: The honourable member has requested that the member for Goyder withdraw.

Mr MEIER: In deference to the fairy godmother, I withdraw. I was on about the fact that the member for Napier's contribution staggered me from the point of view that apparently, if he had his way, if anyone had music too loud he would take them straight off to gaol or impose a massive fine with no warning at all; if it is in the law, you should know the law; that is the finish! That is the member for Napier's attitude to this matter. I believe the Minister is showing some responsibility here—and he showed that in answer to my question—in saying that certainly the police would use their discretion according to their manual. Thank goodness that is the case. I am very surprised by the contribution from the member for Napier. I would have thought that

after the many years he has been a member of this Parliament he would show a more conciliatory attitude.

Clause as amended passed.

Clause 4 passed.

Clause 5—'Environmental harm.'

The Hon. D.C. WOTTON: As this clause is about the prevention of environmental harm, it is disappointing that there is not a fact sheet or something to explain how the authors would interpret 'harm' and 'serious harm'. I realise that an attempt has been made to place a monetary value on harm, and my concern is that this again will lead to legal argument. As we know in this place, it is not always easy to change an Act. Hence, to put a monetary value on property, while not indexing the value to anything, just means that more and more of the harm that is now material will become serious.

As it is hoped that the legislation will help the court in its decision making, I refer particularly to human health, and here the Bill provides that, if there is actual or potential harm to the health of human beings, it is material harm. It states that harm must not be trivial, which means, I presume, that it must be serious. If the cost placed on property is used for guidance by the court, then unless the damage to a member of the public's health does not result in medical bills which exceed $5 000, apparently it is just a nuisance. Will the Minister confirm whether the use of a monetary level is intended for placing a value on human health? If not, what guidelines should we as parliamentarians be giving to the courts? If that is not what is intended, Parliament should be quite sure of what is intended.

The Hon. M.K. MAYES: What appears in clause 5 in terms of material harm, environmental harm and serious environmental harm are indicators of the levels. It has to be considered in that context. The honourable member was indicating what might be seen as material harm, which involving a figure beyond $5 000 becomes serious environmental harm, but purely on the basis of being a level within the definitions of clause 5. It cannot be read, as I perceived the honourable member to be reading it, as a clear indication: one has to view it as two separate aspects within that definition involving those levels. I hope I have given the honourable member the explanation he requires.

The Hon. D.C. WOTTON: No, Mr Minister, you have not: it is as clear as mud, as is the definition. I ask the Minister again: is this clause intended to place a monetary value on human health?

The Hon. M.K. MAYES: It is a separate category. That is the point I am making. The honourable member is taking material value as one aspect and human as another—human injury or harm. That is the point I am trying to make. The honourable member refers to material harm, as he sees it, and is putting a value on it and relating it to human harm. That is not intended. They are separate, and that is what I am saying.

The Hon. JENNIFER CASHMORE: I must say that I find it confusing, because one needs to know the extent of harm to human health, I believe, before we can start measuring and applying penalties. However, I will leave it to the member for Heysen to pursue that if he so wishes. I am concerned not only about human health but about the health of other organisms that do not appear to be caught up in this definition.

I would like the Minister to explain to me, if he can, whether the words, 'environmental harm' as used in clause 5(3)(b)(ii), (c)(ii) and (d)(ii) take as their root the definition of environment from the definitions clause, which states:

'environment' means land, air, water, organisms and ecosystems.

If we are talking about damage, not to human health but to the health of fish, insects or of mammals what, if anything, is there in this clause to define the extent of damage or harm or potential harm that can occur to organisms other than humans? Are they caught up, as I suspect they might be, in the question of environmental harm of any other kind not referred to above in the subclause, or is there a need for some closer definition?

The Hon. M.K. MAYES: The answer to the member's question is 'Yes'. Let me attempt to make a further explanation. I appreciate the concern about that because I have had the same trouble, in a sense, determining the definition and how it would be applied in terms of application to humans. The explanation I have is that material environmental harm occurs if an environmental nuisance occurs that is of high impact or on a wide scale; or environmental harm occurs resulting in actual potential loss or damage to property and the value of that damage exceeds $5 000; or environmental harm occurs when it involves actual potential harm to the environment or to human health that is not trivial. Serious environmental harm, in the information provided to me, involves actual or potential harm to the environment or to human health that is of high impact or on a wide scale; or it results in actual potential loss of property damage and the value of that damage exceeds $50 000.

That is how I was attempting to explain the differential that applies in terms of those two paragraphs under clause 5(3)(a) and 5(3)(b), particularly clause 5(3)(b). I am not sure that one captures that when one reads that clause immediately but that is the intention and I am assured by the officers that that is how it would be interpreted.

Mr HAMILTON: I am particularly interested to know how the EPA will determine whether this is of a material environmental harm or serious harm to the health and safety of human beings. I raise it because of an issue that has been raised in my electorate in recent weeks. A proposal for a recycling depot to be located at the corner of Old Port Road and Tapleys Hill Road at Royal Park proposes in part, under the management plan by the organisation wanting to set up this recycling plant, that the waste water from that particular plant will be directed to IP drains, which I understand connect to a drain that runs down the plantation of the Old Port Road. That drain feeds into the West Lakes waterway and could carry a considerable amount of pollutants, phosphates, etc, from the recycling of vegetation and other materials at this proposed recycling plant.

It is common knowledge that up to three days after stormwater feeds into the West Lakes waterway it is dangerous and injurious to public health. That is a matter that I have pursued with great diligence over many years. With 26 drains feeding into that lake, my constituents are properly concerned. My question to the Minister is: who will determine and on what basis whether pollution is occurring? For example, what measurements would be taken in the instance that I gave to the Committee and over what period of time? I should like an answer so that at a public meeting on Saturday next I can inform my constituents in the Royal Park and Hendon area that the Government is serious about addressing this problem. Will the Minister address this problem so that I can relate it to my constituents?

The Hon. M.K. MAYES: The mechanisms and the resources are available, and that is the process that we will follow. We will have the facilities. Within the EPA we are

absorbing a number of the resources that are already present. The laboratory services will be available for water quality management. All those services, through the agencies which will be provided by the EPA and other agencies, will be provided to the member and to any other member or agency that requires to undertake pollution measurement and management. That will then be part of this legislation and subject to enforcement if there is a breach. The systems that were present in the past are better refined now and brought into a resource base which will provide those services about which the honourable member is concerned, and obviously they will be provided to his constituents and his electorate.

In addition, we are seeing more efficient and strengthened powers going back to the source. We are involved in negotiations with local government to ensure that it plays its part in the whole environment protection process. As we go through the Bill the honourable member will see the provisions are there. The important part is to provide the resources to back them up, and we shall be providing those.

The Hon. JENNIFER CASHMORE: I find this clause and the definitions very obscure and hard to understand. The Minister's explanation to my previous question begs yet another question. The Minister in his explanation referred to the level of property damage defining the extent of material environmental harm. What happens if, for example, a public waterway is polluted and there is no private property damage and no valuation can be placed on the extent of the damage? How is environmental harm to be measured if it is pollution of the air, which is not measured over any discrete property boundaries, or of water which belongs in the public domain as in marine or inland waterways and is not owned by any individual and consequently is not valued as property?

The crux of the whole matter is: how do we value the environment? If we attempt to put a monetary value on it, as this clause does, we miss the whole point of environmental protection, because monetary values cannot be placed on the value to human kind and the animal kingdom of clean air, pure water and clean soil. That is the root of my difficulty with this clause. How will the Minister place a value on the pollution of air, soil or water that is not in private ownership but affects the health of every living thing?

The Hon. M.K. MAYES: I will go back to the beginning of the explanation that was provided. I was drawing on the explanation of the clauses provided in my opening remarks to the House with regard to these two aspects, (i) and (ii) of clause 5 and then referring to (c) and (d) for further explanation. I agree with the honourable member's view that it is difficult to read that and get a clear picture. I have referred back to the second reading speech for explanation. The honourable member raises a good point about damage. I am reminded of the recent damage that was caused when bitumen was dumped in Little Para Creek. The damage was far in excess of the $5 000 listed and, when it comes to public assets, I am confident that we can measure that cost—whether or not we start at one end of the cost and say that it is clean-up cost. In assessing this we have to take into account the definition of 'environment'. That means, as provided in clause 3:

> . . . land, air, water, organisms and ecosystems, and includes—
> (a) human-made. . .

This must be done in terms of how we capture the organisms or the environment outside of humans as regards getting the comprehensive net of the Bill around all of those living creatures, and also the assets which the member refers to in terms of public assets; how we in fact measure the cost of damage to the clean water or clean air. There are measures available to us to do that.

Again, I guess they will be subject to some judgment and further examination, but there are ways in which that can be achieved. We have seen that in the past, although we have not seen that with this legislation. I hope that that reassures the honourable member. I share with her the fact that I am having the same difficulty in reading this clause and getting the intricacies and accuracies out of it that the member wants. She raises a very good point about how it can be applied. But if one looks at the explanation and goes back to the definition, one sees that it does give the picture, and I am assured by the officers that we can capture those examples to which the honourable member has referred, and I am sure there will be others. I hope we can do that. If we find that we have a gap there, we will have to address it.

Mr HAMILTON: The plant to which I alluded on the corner of Old Port and Tapleys Hill Roads at Royal Park is a case in point. A proposal has been placed before the local council. From the feedback I have, residents have not received a great deal of information about this proposal. It has been advertised, true. It is also true that the Planning Commission has sent out 29 notices to houses likely to be affected by this proposal. There is that concern that I described in a previous question about polluted water, water from vegetation or from this proposed recycling plant that would find its way eventually into the West Lakes waterway.

The management plan put forward by the proponents of this recycling plant at Seaton, which plan is on display at the Woodville council, proposes that waste water from that particular plant will find its way into the 'IP drains' that feed into a larger drain which runs down the middle of the Old Port Road plantation into the West Lakes waterway. What proactive role will the EPA take in terms of submissions of this nature? It is too late once the pollution occurs in the waterway? Is there an intervention role of the EPA and what cooperation or powers does the EPA have in terms of a proactive intervention program in submissions like this? Before such submissions of this nature that are likely to affect the environment are agreed to by any large organisations, what role does the EPA have—a proactive role rather than a reactive role by the EPA?

The Hon. M.K. MAYES: There is a proactive role that the EPA plays. Firstly, of course, there are industry standards which will be picked up by the industry community in terms of its best practice and methods. There have been negotiations to put that in place already. By cooperation of the various chambers those things are in place. Then we go into the next stage which is licensing; then to the next stage which is an environment protection order; and then, of course, to the next stage which is prosecution for offence. They are the steps. If you look at it from how I have presented it, it is the process of cooperation between industry and the EPA and the Government, then going through, as I have already outlined, the steps from that, if those fail to address the member's concerns in terms of his constituents or any other environmental problem that may occur throughout the State.

The Hon. JENNIFER CASHMORE: The Minister's answer to my last question actually reinforced my concern. In particular, he said he hoped that the Government could deal with issues arising out of the difficulties inherent in this clause, and it seems to me at this stage, when the Bill is before the House, to be resting on hope is just not good enough. I want to take the question further, when we are

talking about assessing the actual monetary cost of pollution of public waterways, air or soil. The Minister said there are means of measuring costs which might be related to, for example, the cost of clean-up.

Let me take a hypothetical situation that goes beyond the cost of clean-up. The development of aquaculture in South Australian gulf waters is extremely important to the future of the State's economy and to export income: the fish farming at Port Lincoln and the oyster farming at Coffin Bay, for example. If a tanker were to pollute the waters adjacent to those fish farms the Government would be looking not only at the cost of clean-up but potentially at the cost of revenue foregone by producers from the loss of export income because of the destruction of the fish farms or the stock.

How would this clause measure actual or potential harm, and we are now dealing with subclauses (3)(c)(i) and (ii), and (3)(d)(i) and (ii)? Would actual or potential harm have a monetary basis and, if not, what would be the basis of measuring the actual or potential harm; and, if it is a monetary basis, how would that be calculated and would it take into account, with respect to the question of private resources, the matter of revenue foregone as well as the cost of clean-up?

The Hon. M.K. MAYES: The reason for my comment was that I am not the parliamentary draftsman and I am not the person who has been—

The CHAIRMAN: Order! The Minister must not refer to the parliamentary draftsman. This is your Bill and you take responsibility for it.

The Hon. M.K. MAYES: And I am taking that, Mr Chairman, with all due respect. I am endeavouring to explain to the member the background of my comments. I am advised that the provision deals with and comprehensively covers the member's concerns. There are separate aspects which the member raises in what I perceive as the question—compensation which could be sought by individuals who may have been harmed as a consequence of some environmental damage that may have occurred. There are two aspects to that. A civil remedy would be available to the persons involved, and a measurement would come about as a consequence of that action. In respect of the procedures that are to be followed, as to the damages that may have occurred, the advice I have—and I understand this is the situation—is that an order would be made by the EPA, and as a consequence the offence would be referred to the courts, which would impose a penalty in accordance with the provisions of the legislation.

I understand the question quite clearly, and the answer is that there would not be a need for a measurement of that damage as a consequence of the action in relation to the example raised by the honourable member, but there would be an offence which would be followed through by the EPA. It would make an assessment of the offence, which would probably end up before the courts. As a consequence of that damage, the parties or persons aggrieved could take civil action at a level separate to the aspect addressed by this clause. That is the background to my earlier comment.

Mr HAMILTON: This may be a silly question, but I will ask it anyway. Under the Occupational Health, Safety and Welfare Act, Government agencies and departments are responsible where a worker is injured as a result of negligence by an officer of that department. Under this legislation will it equally apply that an officer of a department or an agency will be fined under the EPA provisions, that is, where they are negligent for breaches of the legislation that impinge upon a person's health or upon the environment? Can Government agencies be fined under this legislation and, if not, why not?

The Hon. M.K. MAYES: The answer is 'Yes' and, obviously, an offence process would be followed in relation to the EPA. There is public accountability, which would be drawn upon. One could raise it through this process or through the EPA. One would expect that the EPA would follow it itself as an independent statutory body.

The Hon. D.C. WOTTON: I want to come back to environmental harm as it relates to health. Clause 5(3)(d) provides:

> environmental harm is to be treated as serious environmental harm if it involves—
> (i) actual or potential harm to the health or safety of human beings. . . that is of a high impact or on a wide scale.

As the member for Coles has said and I have said earlier, a number of these definitions are extremely hard to understand, as is this clause. When we examine the term 'serious environmental harm' we note that it must be of high impact or on a wide scale. What does that mean? Is it just another example of modern jargon, with which the legal profession can have an expensive field day? Is 'high impact' supposed to mean death or hospitalisation? What is it supposed to mean as far as a person's health is concerned?

If we assume that 'wide scale' simply means over a large area, we then ask 'How large?' It is simply not clear. How will a court interpret the seriousness? It could conclude that unless the health bill was in excess of $50 000 it was not serious at all. This Bill has to be interpreted by people administering the legislation, not a bevy of lawyers. Therefore, if the administration is to be clear, the legislation has to be clear. Again, I ask the Minister to try to throw some light on what that actually means.

The Hon. M.K. MAYES: It is a relevant point and I accept the spirit in which the member asks the question. We must endeavour during this process to be as clear as possible. Let me draw the example of what exists now, where it says that one shall not pollute water or air; penalty, $1 million. This endeavours to give a better direction as to how that is to be interpreted. In terms of wide scale, for example, it is me versus the whole electorate of Unley, in terms of comparison. One must put it in that sort of context.

What we are endeavouring to do—and I hope we are doing it—is give some magnitude which the court will interpret, as the member has said, as administering and interpreting the legislation in that sort of context. You get the idea of wide scale versus the person. That gives you a picture of what might be the variations between the extremes.

Mr BLACKER: My question is on a broader scale and relates to the corporate or class pollution that can occur. The biggest problem we have with the marine environment is stormwater run-off from agricultural land or from highways. Highways that have oil, grime and bitumen waste that run into the sea probably do more polluting than anything else that I know. In an instance like that, are the highways effectively responsible for it? I know that is rather flippant. However, let us take it a step further on the agricultural side. The legislation clearly provides that the source point of the pollutant is the one that should be responsible.

But what about the situation of a waterway where there are 50-odd farms and on every one farmers are putting on superphosphate and every application adds to the cadmium level? I have come across this situation myself. I am getting back to the six yabbies that I have actually sent off the place,

but they were sent off because the Commonwealth Department of Health came in and officers said that they had heard that I was interested in some yabbies and they wanted to test my crustaceans to see whether there was any problem. The six yabbies have been tested and so far it is okay, but only because I do not have a run off from country that is heavily treated with superphosphate.

I can quite easily see that we could have vast areas of agricultural land which has the ability to pollute waterways and which collectively will cause a cadmium problem, and perhaps other problems with heavy metals, because of an agricultural practice that has been followed for generations. It may be better if this measure were not included in the legislation because it opens up for the lawyers a whole swag of scenarios that could become quite devastating either to individuals, or to the Government for that matter, further down the track.

The Hon. M.K. MAYES: To some extent I think the honourable member is jumping at shadows, but I appreciate the purpose of his raising the question. The thing I see in this—and it is something that we are overlooking—is the development of policies. The policy practice—and I will emphasise this again and again—is being established on the basis of cooperation with industry. So, we would look at the industries concerned.

I think it is important that we say that during this process so that it is recorded for the statutory body that will have the responsibility for administering the Act and that it understands what Parliament intended when the legislation went through both Houses, as indeed I hope it does. It is important to say that it will be set up on the basis of industry standards. One should look at it—and this goes back to the Minister—in terms of policy being established with that industry.

I understand the point the honourable member is making, but I hope that we can avoid that situation by going into negotiation and the cooperative processes to establish and take into account the environmental situation which that industry is in given past practices. We are not starting with a clean sheet—we know that—and we must accept that certain practices in the past were not necessarily helpful to whatever one might have been trying to establish.

It does not matter whether it involves a yabby farm in what is a basically agricultural environment: one would prefer to start with a clean agricultural environment, but that is not the case. We have to take that into account; the statutory body has to take that into account; and it has to establish that in relation to those policies. I hope that what is happening and indeed what has happened in the past for that industry is taken into account in terms of establishing itself effectively and providing for the economic development of the State.

Underlying this, of course, we are saying that we want to see sustainable economic development continuing. That is why I point out to the honourable member again that one is drawn in to read the text of the Bill, but one has to take into account what will happen in the application and how we have established the process, which will be the establishment of the policy through the EPA and the Minister via the forums in terms of getting that whole picture and then, of course, consultation with the industry itself.

Mr BLACKER: I see in this a problem where the legislation could become the linchpin in legal disputes over various forms of farming. For example, if at the lower reaches of a waterway a series of aquaculture farms is set up, and at the upper reaches there are grazing properties on which superphosphate is used, cadmium becomes a potential hazard to the aquaculture. This legislation could well be used as a management practice by the aquaculturists against the graziers further upstream.

The Hon. Jennifer Cashmore interjecting:

Mr BLACKER: The member for Coles has quoted an example. I guess that my own experience of the Department of Health walking in to test my yabbies has brought this to my attention. As I said, my yabbies proved to be perfectly okay. However, if I were relying on water coming off reaches or slopes that were heavily treated with superphosphate then they might not be okay.

After all, the Health Commission would not have come to me and checked it out as they were directed to do. Somewhere along the line someone is watching and monitoring this. I fear that this Bill will be the dividing line as to which industry will be supported and which one will not on the basis of some analytical response of the product that comes from it.

The Hon. M.K. MAYES: This is a very important point. With matters concerning diffuse pollution, to which the member for Flinders refers, one must accept that responsibility will have to be of a reasonable nature. One could not say to Fred Bloggs, farmer at Wudinna, 235 kilometres from a yabby farm, 'You're responsible for the problem that I have in establishing my yabby farm because you have used a particular farming practice for the past 50 years.' We must take that into account.

I understand the honourable member's concern but this is not an attempt to point the finger at people where a practice has been accepted within a community in past years. We will look at getting the industry to accept a change in practice. We will then establish a policy and expect the industry to follow it. If in years to come we find Fred Bloggs and Mary Smith doing these things after the practice has been established, I am sure that the member for Flinders and the industry representatives would want us to say, 'Hey, lift your game, this is just not on.' A process of steps would then be followed in order to ensure that those bad practices were improved.

That is one of the problems I noted in how to deal with diffuse pollution as against a spot source where you can actually pinpoint the problem and say, 'Improve your practice.' We would set up an industry standard, follow through with policies established with the EPA via the forum and then implement them, so that the industry would have a chance to respond. That is the way in which the officers have negotiated with the Chamber of Commerce and Industry, the Farmers Federation and all other industry representatives to establish the methods that we will use when applying the provisions of the Act.

Clause passed.

Clause 6—'Act binds Crown.'

The Hon. JENNIFER CASHMORE: Clause 6 provides that the Act binds the Crown and that no criminal liability attaches to the Crown itself under this Act. That, of course, puts the Crown on the hook with one hand and takes it off with the other. Do all the repealed and amended Acts bind the Crown? If they do not, which ones do not, and what are the estimated costs of compliance with any Acts which presently do not bind the Crown and which are superseded by this Act?

The Hon. M.K. MAYES: The answer to the first question is 'Yes,' the Crown is bound by all superseded Acts as a consequence of clause 6.

The Hon. JENNIFER CASHMORE: If that is the case, and I am pleased that that is so, does the Minister foresee any additional costs caused by compliance of the Crown with this

Act as a result of any additional provisions or requirements that will be placed on the Crown because of the (for want of a better word) greater rigour that this Act will place on the Crown over and above the requirements placed by the Acts that are to be repealed or amended, and has that been calculated?

The Hon. M.K. MAYES: The answer is 'Yes; there will be.' I have to take on notice the actual figure. The national water quality standards, for example, obviously already will incur additional costs to the Crown, and I have to check in detail what other standards will impact on the Crown and what costs that will mean, so I will take the question on notice and respond to the honourable member in detail, because I think that there could be quite a bit of work involved in getting the figure. I will undertake that as quickly as possible.

Mr HAMILTON: In terms of water quality and the effluent discharge from the Port Adelaide sewage treatment works—

The CHAIRMAN: Order! I cannot connect the question that the honourable member is asking with the clause in front of us.

Mr HAMILTON: I seek your ruling, Mr Chairman. I understood that the member for Coles was talking about the standards which would apply and which would bind the Crown. I understand that under this legislation those standards would be increased or would be more severe.

The CHAIRMAN: It is a nice try, but I cannot connect the question with the clause in front of us.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Territorial and extra-territorial application of Act.'

Mr BLACKER: If this measure had applied at the time when testing was done at Maralinga, would it have covered those circumstances and could penalties have been imposed? Would that apply to testing involving anything that was airborne or at sea? I believe that our submarines will be doing some testing; if something should happen, I take it that they would be responsible. Would that also apply to companies that undertake atomic or atmospheric tests?

The Hon. M.K. MAYES: My advice is that that aspect is covered by the defence powers of the Commonwealth. If some other body was involved, it would be covered by the legislation.

Clause passed.

Clause 10—'Objects of Act.'

The Hon. D.C. WOTTON: I would concur with and strongly support intergovernmental arrangements for the purposes set out in the Bill. Traditionally, when States agree on any measure, the lowest common denominator is adopted in order to obtain consensus. That fact is foreshadowed later in the Bill when it is made clear that South Australia may demand better or more stringent standards than those agreed nationally, but we cannot go below. If this is so, it appears to encourage individual Governments to remain at the agreed level and to become pollution havens, which we would very strongly oppose. 'Reasonable' and 'practical' could well be construed as 'inexpensive' and 'plausible'.

Given the discussions that the Minister has had with his ministerial colleagues in other States, can he indicate whether this matter has been discussed? I know it is of concern to EPAs in other States. Does he see any solution to this problem? More importantly, when we are talking about matters at a national level and intergovernmental relationships, what discussions have taken place?

The Hon. M.K. MAYES: My predecessor basically had the main discussions with our interstate colleagues in relation to the implementation of the EPA. I have picked that up. It goes back to the Heads of Government agreement in relation to this. The idea is to pick up the lowest common denominator, the poorest performer, and bring it up to the national standard. The connotation of the comments of the member for Heysen is that one might look at it from the reverse interpretation, but one has to say it is to bring the bottom performer up to scratch. That is my understanding of those discussions.

I have not had extensive discussions with my interstate colleagues in relation to the detail of the Bill. We have talked about the generality of the EPA and I have particularly discussed the aspects of it with my New South Wales colleague, who has a very comprehensive approach, which was, I guess, picked up from his predecessor, Hon. Tim Moore, who I am told in a sense set the pace in bringing this forward at a State level.

Mr HAMILTON: The Bill refers to a range of measures to reduce pollution. The effluent that flows into the Port River from the Port Adelaide sewage treatment works is a matter of utmost concern to many people, not only those living in the Semaphore Park area but also those people in Ethelton and many other places adjacent to the Port River.

I would like to know, given the Minister's discussions with his interstate counterparts, what action will be taken by the Port Adelaide sewage treatment works and the E&WS (which comes under the control of one of his colleagues) to address this problem? Will there be increased activity to reduce the amount of effluent discharged from the treatment works into the Port River? As I understand it, the pollutants from the treatment works can contribute to algal growth and so on in that river. Even worse, the smell at low tide is nauseating, particularly for those people who live in the adjacent Semaphore Housing Trust estate.

The Hon. M.K. MAYES: There will be increased activity, and the sewage treatment plant will be licensed so that there will be clear management of that sewage treatment plant and the effluent that comes from it. My colleague the Minister of Public Infrastructure is already addressing that plant, and some members of this House and I were privileged to be at a discussion that took place under the MFP's banner about three weeks ago dealing with the Barker Port Adelaide estuary. Again, that was one of the issues that was touched on in those discussions, and I am aware that the honourable member may also have been briefed on the need to address what is occurring on the land that is causing the odours that are emanating from the activities of the sewage treatment plant. Those issues are under my colleague's control, but I know that his department is addressing that. The EPA will be the final watchdog on those activities and no doubt will address the honourable member's concerns in relation to the effluent and the smell.

Mr Hamilton interjecting:

The Hon. M.K. MAYES: We are better placed than many other States in Australia in terms of primary and tertiary treatment of sewage. Many of them are still not even at a primary stage of treatment, so we are dealing with treatment at a post-tertiary level. From earlier comments, the honourable member knows about the pipeline that will move sludge across the coastal frontage of the metropolitan area to eliminate that aspect, and we will be addressing the impact of the inlets to the sea so that we can reduce the impact on

seagrasses and the consequent discolouration and temperature changes that occur. All those issues will be part of this comprehensive plan on which we will be working with the Crown. As the honourable member knows, the Crown is bound to address those.

The Hon. D.C. WOTTON: Clause 10(1)(b)(vi) provides that a polluter shall bear an appropriate share of the cost arising from the polluter's activities. What does the Minister consider may be appropriate and, bearing in mind that over a period of time the Government has touted the polluter-pays principle, why should the polluter not be made to carry the total cost?

The Hon. M.K. MAYES: It relates to an earlier answer I gave to the member for Flinders in regard to licensing. It will be set by regulation. Again, it will be differential and determined by the nature of the industry, and I guess it will be what the honourable member says. My understanding is quite clearly that it will be related to the type of industry, so it will relate to the level of pollution which that industry has the potential to emit into the general environment. That will provide the basis of the differential of the licence fee or the fee in terms of clause 10(1)(b)(vi).

The Hon. D.C. WOTTON: I understand what the Minister has said, and we are talking about an appropriate level. Why is the polluter not expected to pay the full cost?

The Hon. M.K. MAYES: My quick answer to that is that the polluter will be required to pay. In some circumstances where—

The Hon. D.C. Wotton: That is not what it says here; it is not the total cost. You are talking about an appropriate cost rather than the total cost.

The Hon. M.K. MAYES: It could well be in circumstances where there is a spot pollution source that that polluter—the organisation that is creating that pollution—could be responsible for it. That is my interpretation and that of my advisers.

The CHAIRMAN: The member for Heysen has run out of questions. I am sorry, but I must adhere to Standing Orders. I am carefully noting the number of questions asked.

The Hon. JENNIFER CASHMORE: My question relates to clause 10(1)(b)(v), which provides that the objects of the Act are:

> . . .to require persons engaged in polluting activities to progressively make environmental improvements, including reduction of pollution and waste at source, as such improvements become practicable through technological and economic developments;

I refer the Minister to the State of the Environment report, released today, at page 175, and to the table 9.8, which deals with the generation of prescribed waste in South Australia. I seek leave of the Committee to have this table inserted in *Hansard*.

Leave granted.

Generation of prescribed waste in South Australia
Source: Waste Management Commission (1992a)

Waste type	Quantity (kL)			
	1988	1989	1990	1991
Plating and heat treatment	2 225	2 228	1 750	2 464
Acids	10 500	13 043	6 673	3 400
Alkalis	2 260	3 520	3 158	7 137
Inorganic chemicals	367	378	1 170	1 230
Reactive chemicals	84	85	3	8
Paints, resins, inks, etc	161	435	869	1 004
Organic solvents	173	188	118	467
Pesticide washings	1 025	1 112	304	380
Organic chemicals	331	390	818	909

The Hon. JENNIFER CASHMORE: Before asking the question I draw the Minister's attention to what looked to be quite extraordinary facts as disclosed in this table, namely, that waste acids have decreased by about a third since 1988. There has been a threefold increase in waste alkalis since the same date; a threefold increase in inorganic chemicals; a tenfold increase in reactive chemicals; a tenfold increase in paints, resins and inks, in only the space of five years; organic solvents have increased about fourfold; pesticide washings have decreased; and there has been a threefold increase in organic chemicals. They seem to be quite dramatic changes in waste levels, both increases and decreases, in the space of five years.

That table prompts me to ask the Minister: what are the most polluting industries in South Australia? Which companies are engaged in these industries? And what programs are currently being conducted or are planned to require these companies to reduce pollution and waste at source in accordance with this object of the Act?

The Hon. M.K. MAYES: The advice I received from the officer concerned is that probably we now have far greater information about where pollution is coming from. If one looks particularly at the industrial activities to which the member for Coles refers and which have increased significantly since 1988, one can see that there is—

The Hon. Jennifer Cashmore interjecting:

The Hon. M.K. MAYES: Yes; I guess it is like domestic violence. It may not be a good analogy but the fact is that we now have more knowledge of what is happening, thank God, and we can now put in place measures to address that.

As to the second part of the question, my assessment as to the heavy metals, on the advice I have received, would be that the industries undertaking those manufacturing processes and using those elements would have the potential to be the most pollutant in our environment.

The Hon. Jennifer Cashmore interjecting:

The Hon. M.K. MAYES: I will have to take that on notice, if I may. I omitted to mention those industries

involved with PCBs. I cannot pinpoint it in the Statement of the Environment report but the environmental improvement programs referred to are intended as part of the mechanisms available to address this issue.

That will be built into the legislation as part of the policy structure that would be adopted by the EPA, and the advice that we receive from the forum is part of the establishment of the policy. Licensing provisions are also built into the Bill. Those mechanisms will be used to address these particular industries. Obviously, from what the member has drawn out from that table which is now incorporated, the level of pollution has increased significantly since 1988.

The Hon. JENNIFER CASHMORE: I should like to pursue this question. With regard to the economic future of this State, if we can make South Australia thoroughly clean for industry, that in itself will be an attraction for industry and residential population. I do not subscribe to the theory that people flock to the low-cost States which go easy on pollution. In fact, that will not be possible because of the Federal law.

The quality of the programs that we adopt could be critical to the general appeal of this State to industry. If the emphasis is on well-managed programs that are properly timed and adapted to technological developments, we will do a lot better. Because of complaints that I received when I held the shadow portfolio for environment, I am particularly interested in the level of toxic waste that is discharged by wool scouring activities in South Australia. I should be interested to know how many firms are engaged in such activities, what programs are planned for each of those firms and whether or not any of those firms are presently breaching any of the requirements of the Acts that govern their activities.

The Hon. M.K. MAYES: That is a very good question. I agree with the honourable member's comments about clean or best industry practice. I think we are seeing plenty of examples in Europe and Asia as well. Singapore and such places are leading the way. We have this process of establishing the policy, and with that comes the licensing and the industry standard which is part of the policy structure. If we take the extreme of old technologies being applied in what one might term in the past a dirty industry, in the sense of the environment in which workers work and the general context of the operation of that industry, we have an environment improvement program which would be within the industry standard.

The EPA would set that policy and those sectors of that industry that have old practices or poor technologies would have to set out for the EPA, under that licensing program, an environment improvement program. That would be measured by discussion and negotiation with the industry. It has already been explored with those industries as part of our discussions in getting the Bill in place. That is how we put in a mechanism and procedure. I guess the member is also driving at an audit on progress. That will be part of the EPA's responsibility, and it is accountable to this Parliament for the implementation of those policies. It is based on the cooperative model. That is the carrot, but the stick is at the other end if they do not perform and meet those standards, which will be set by industry in discussions with the EPA.

Clause passed.

Clause 11—'Establishment of authority.'

The Hon. D.C. WOTTON: Clause 11(4) provides:

> In the exercise of its powers, functions or duties, the authority is subject to the direction of the Minister except in relation to—
>
> (a) (b) or (c), and I refer particularly to (b)—
>
> the performance of its functions under Part 6; or. . . the enforcement of this Act.

I would like to know—and I am sure I do know, but I would like clarification from the Minister—what this actually means. Does this mean that the Minister has no responsibility or control over the enforcement of this legislation? How does that relate to other EPAs in other States in Australia?

The Hon. M.K. MAYES: The answer is 'Yes', we are creating this independent statutory body. The powers that the Minister has relate to the policy direction and, when we come later to that matter in the Bill, the member will see that a very fast track mechanism is available for the Minister to review those policies which set in place those levels required by industry to meet those standards. So, it is an indirect way, but the actual enforcement is taken out of the political context and put into this independent statutory body's control. I am sure that one would never see it happen—certainly not in this State—but there could be a political interference by a Minister to withdraw an action or suggest an enforcement. That is not the case. The Minister must set the policy. The EPA has to implement that policy, and it has to administer it within that framework.

Clause passed.

Clause 12—'Membership of authority.'

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

> Page 13, lines 4 and 5—Leave out all words in these lines and insert 'conservation and advocacy on environmental matters on behalf of the community'.

After consultation with a number of interest groups, I have come forward with this amendment, which encompasses the member for Heysen's amendment and also the concerns of those people who would have spoken to him and me. I stand firm on my amendment on the basis that it accommodates the interest groups concerned.

Amendment carried.

The Hon. D.C. WOTTON: I move:

> Page 13, line 5—After 'environmental health' insert 'nominated by the Minister after consultation with the Conservation Council of South Australia Incorporated'.

The reason for the amendment is that the Opposition still believes that after consultation with the Conservation Council the Government should be able to appoint somebody specifically from the Conservation Council. I realise that originally the Conservation Council was suggesting that it might put forward a panel of three and that the Government might select a person from that panel. We have gone away from that. With the added responsibility that any person appointed to a board or authority has, particularly at the present time, I believe that it is absolutely essential that the Minister has the final say in who that representative on the board or authority should be. The Opposition believes that the Conservation Council of South Australia Incorporated is the peak conservation organisation in this State. As such, I believe that it is totally appropriate that the Conservation Council should have a say on who the person to be appointed in this position on the authority should be. The Opposition stands firm on its amendment.

The Hon. M.K. MAYES: This is not meant to be a body of representatives of organisations. I think that what we have put forward as an amendment accommodates the Conservation Council. There is a broader community than the Conservation Council that needs to be considered. I will not go into names and addresses, but that is why there is the more

general aspect to my amendment. I know that what I put forward would satisfy that broad group and therefore I would still prefer to stay with my amendment which is now accommodated within the body of the Bill, in preference to the amendment moved by the member for Heysen.

The Hon. D.C. WOTTON: Can I ask why in the original Bill it has been decided that one person shall be chosen from a panel of three such persons submitted to the Minister by the Local Government Association of South Australia? What is the difference? If the Local Government Association should be referred to in the Bill, why should the Conservation Council not be referred to in the Bill?

The Hon. M.K. MAYES: A quick answer, Mr Chairman: it is a level of Government; we give greater representation to local government in that sense because it is a level of Government.

The Hon. D.C. WOTTON: I ask the Committee to support my amendment.

Amendment negatived.

Progress reported; Committee to sit again.

PAK-POY AND KNEEBONE

Mr OSWALD (Morphett): I seek leave to make a personal explanation.

Leave granted.

Mr OSWALD: Earlier this evening the Minister of Environment and Land Management made reference to my involvement with PPK in the preparation of an alleged alternative EPA Bill. When the EPA was first floated in South Australia I sought information and advice from PPK on EPAs. Members would know that PPK are world experts in the field and are involved in China and South East Asia in working on EPAs for the World Bank. At the briefing one of their staff offered to help me draw up a model EPA Bill, based on the EPAs in China. I thanked him for his offer and asked him to go ahead. I was contacted again and told it could be an expensive consultancy and I was asked whether I would like to feel out some of the main companies involved in environmental protection to see whether they would make a contribution towards the staff members' time.

I subsequently wrote letters of request. However, not one company responded in a positive way. As a result not one dollar was raised towards the drafting of a Bill for us to look at. The member of staff in PPK then advised me that this did not matter and he could write the Bill for nothing in his own time but it would take longer to complete. Upon its receipt I read the document and, believing it not to be suitable, I filed it away and forgot about it. I did not take it to shadow Cabinet or to our Party policy committee. It remained in the filing cabinet until I handed over all my environment files to the member for Heysen when he became shadow Minister and I moved to Urban Development. The document received the same fate in the hands of the member for Heysen and was scrapped and filed away and never considered officially or unofficially in our assessment of the present legislation before the House. The PPK document has no official status and does not exist as far as the Liberal Party is concerned.

ADJOURNMENT

At 11.57 p.m. the House adjourned until 18 August at 2 p.m.