LEGISLATIVE COUNCIL

Thursday 29 March 1990

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the Auditor-General's supplementary annual report for the year ended 30 June 1989.

QUESTIONS

NATIONAL CRIME AUTHORITY

The Hon. K.T. GRIFFIN: I direct the following questions to the Attorney-General regarding the National Crime Authority:

1. Has the Government received from the National Crime Authority any reports on operations Cache, Fleece, Hound, or an offshoot of Ark set up to investigate whether drug chief Moyse worked alone or was part of a wider drug group and, if yes, when were they received, and what action has the Government taken in relation to them?

2. At the dinner meeting in Melbourne on 19 July 1989 between the Attorney-General and Mr Faris, the then new Chairman of the National Crime Authority, and two other members of the NCA, was there any discussion on any of the operations Cache, Fleece, Hound or the offshoot of Ark referred to in the first question?

The Hon. C.J. SUMNER: I think it is important that the matters that have been raised by the honourable member and in the media today be placed into their correct context. As I understand it, the current media attention on this matter arose from investigative reporter, Chris Nicholls, of ABC Radio News. That was broadcast last night and again this morning. The news bulletin read as follows:

> ABC Radio News has received information that seven National Crime Authority investigations into organised crime and corruption in South Australia had been withdrawn. The seven investigations had apparently been under way for at least five months but were then suddenly dropped.

This morning, news bulletins repeated those assertions. Mr Nicholls went on the Rex Leverington program this morning, and I quote from the relevant part of that program, as follows:

> Presenter Rex Leverington: As you heard in ABC News, seven National Crime Authority investigations have been withdrawn in South Australia. Chris Nicholls has the exclusive story. Good morning, Chris.
>
> Chris Nicholls: Good morning Rex.
>
> Leverington: Why have these been withdrawn, Chris?

And then the interview proceeds. So, from last evening through this morning, radio programs, and indeed with interviews conducted on the Keith Conlon show and on the Julia Leicester show, all the newsreaders and interviewers, and indeed the people being interviewed, seem to have taken as gospel the fact that there were certain of these matters withdrawn.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Well, certainly, the two items that I have read to you indicate that there is an assumption, uncontested by anyone, and with no qualifications from Mr Nicholls, or the ABC, that these matters had been withdrawn. So, we have had a morning of media discussion on the matter based on the assumption (and I heard some of them) that what Mr Nicholls said yesterday was correct. I understand that earlier this morning (and it may be that the National Crime Authority made some statement about it last night as well), or certainly by this morning, the National Crime Authority issued a press comment nationwide, and to the news editors and chiefs of staff as follows:

> Press release
>
> National Crime Authority Adelaide reports
>
> With regard to reports on ABC radio throughout Australia stating that seven NCA operations in Adelaide have been dropped because they have been found to be outside the terms of reference, the National Crime Authority rejects this statement and reiterates, as was stated in the public sitting in Adelaide on 22 March 1990, that no matter has been dropped or axed by the authority in Adelaide.

I therefore refer to the public sitting last week when Mr Dempsey in fact dealt with this very allegation, that is, that last week, well before Mr Nicholls' statement today, the matter had been specifically dealt with by Mr Dempsey in his public hearing in the following terms:

> It was recently alleged in the media that some authority investigations have been abandoned or axed.

That was the direct allegation, dealt with by Mr Dempsey at his public sitting on 22 March. I continue to quote Mr Dempsey as follows:

> This is completely incorrect. Where a matter has proven not to be appropriate for investigation by the National Crime Authority, it has been disseminated to the relevant Police Force. Where an investigation has been completed, a formal report has been delivered under the terms of the National Crime Authority Act. The confusion in this regard stems, I believe, from the fact that in July 1989 the National Crime Authority reviewed the priority of the matters currently being investigated by it. It was decided (and this is discussed in more detail below) that one matter should take general priority in the authority's investigations in South Australia. Other matters were not abandoned but were reprioritised, and the degree of resources being invested in them was reviewed and altered.

With all the media attention this morning, and Mr Nicholls' assertions on the news, he did not refer to that statement by Mr Dempsey. Quite clearly the implication is that what Mr Dempsey stated at his public hearing on 22 March was incorrect. Nicholls has asserted that what Dempsey said on 22 March is incorrect. Now, the reality is that I have given Mr Dempsey's response—the authority's response—to the assertions made by the ABC. Furthermore, that response is the same response that Mr Dempsey gave on 22 March anticipating (in his own words) the allegations that some authority investigations have been abandoned or axed. Anticipating it, having heard it, having dealt with it, he then finds this week that Chris Nicholls, investigative journalist of the ABC, asserts that what Mr Dempsey said on 22 March 1990 is incorrect.

The media, Mr Nicholls included, have referred to certain operations. I know that it is very sexy from a news point of view to get the names of certain operations; it makes for a good story. It may be that the dissemination of those operation names does not affect the inquiries into criminal activity in South Australia. However, it may be that media dissemination of this material could jeopardise ongoing investigations. It may be that it could alert people who are the targets of investigation to the fact that they are being investigated, and I can only appeal to and caution the media and members of Parliament in this State to consider very carefully before they make assertions relating to operational matters which may at some point alert the people who are the targets of investigation. I think it would be a disaster if, because of media enthusiasm, targets were tipped off and an investigation thwarted. Having said that, however, I acknowledge that the names of certain operations have been placed in the public arena.

I have been advised that, with respect to Operation Hound, which was referred to, it is still before the NCA. With respect to Operation Fleece, I am advised that that is a matter that is also still before the NCA. With respect to Operation Cache, which is referred to as the South Australian Housing Trust investigation which charged five public officials and targeted a number of major figures—I am not sure that the reference to major figures is correct—it is on the public record that certain people have been charged with respect to allegations relating to the South Australian Housing Trust. Obviously, now, the name of the operation has been put to those charges.

The Hon. R.I. Lucas: Has that been referred to—

The Hon. C.J. SUMNER: Just a minute. With respect to Cache, considerations are currently going on as to whether any further charges are available to the prosecution authorities in that respect. So, as far as the NCA is concerned, that matter has been investigated, certain charges have arisen out of it, and certain matters are under further consideration by the prosecution authorities which, obviously, include the police. The Government has received certain reports on the operations that have been mentioned, but what I have said to date outlines the situation with respect to them. The figure of seven, which Mr Nicholls asserts as being seven operations—let us just indicate the words that he used—

The Hon. R.I. Lucas: What was the Moyse one?

The Hon. C.J. SUMNER: I do not have any details with respect to that particular matter. All I can say is that the question of whether Moyse was acting alone, when he was charged, was raised in the public arena and in Parliament during 1988, as I recollect, and it is a commonly expressed view, in the media in particular and in certain other areas, that, of course, Moyse could not have acted alone.

However, that assertion about whether or not Moyse acted alone has been in the public arena now for some considerable time, and I would anticipate that it is a matter that, obviously, the NCA would be alert to but I am not in a position to deal with that matter today.

I turn now to the notion of 'seven operations'. Again, the wording was 'withdrawn'. The notion is that someone has withdrawn them. It has left unstated who would have withdrawn them but the notion is that they have been withdrawn. That is Nicholls's assertion, despite the fact that it was categorically denied by Dempsey a few days ago. Dempsey's denial has not been mentioned by the ABC in any of its reporting of this matter, but let us deal with the seven operations that have reportedly been axed. The only element of accuracy in that aspect of the story is that there are seven operations where the information held by the NCA has been disseminated to the South Australian police, pursuant to the provisions of the National Crime Authority Act. The NCA, as was said by Mr Dempsey, has operated in cooperation with the South Australian police since it has been in South Australia; in particular, it has operated in cooperation with the South Australian Police Anti-Corruption Branch. He dealt with that relationship in his public hearing statement of 22 March.

So, from an operational point of view, it would be quite natural for the NCA to disseminate information to the South Australian police, either because the particular matter was not within the reference granted, because the authority considered that it was a matter better handled by the South Australian police or, perhaps, for other operational reasons. So, there is nothing sinister about the fact that the NCA and the Anti-Corruption Branch of the South Australian police are cooperating with respect to investigations.

When the NCA came to South Australia, Mr Le Grand gave an open public hearing at which appeals were made for the public to come forward—indeed, on certain topics, there were advertisements in the press asking for people to come forward. With respect to some of the matters that may have been brought forward by the public, they may not have been within the reference; they may not have been considered by the NCA to have been things that the authority itself should deal with. So, it is perfectly natural that, if the NCA received certain information, it would disseminate the information with respect to those matters to the South Australian police and enable the Anti-Corruption Branch or the Crime Command or another aspect of the Police Force to deal with those matters.

So, seven matters were disseminated to the South Australian police for various reasons, but that does not mean, in Mr Nicholls's terms, that seven operations have been withdrawn; it does not mean, in Mr Nicholls's or other commentators' terms, that those seven operations have been axed. What it means is that, in cooperation between the NCA and the South Australian police at the operational level, certain material has been disseminated to the South Australian police, and the Anti-Corruption Branch may well take a major role in conducting investigations into those matters. I can only refer to the statement made by Mr Dempsey on 22 March, when he outlined the authority's point of view and, after all, at the operational level, I guess it is for the authority to answer with respect to some of those matters. But he has answered this essential matter, and he did it in his public hearing on that day.

With respect to the second question asked by the honourable member, I do not recollect those particular matters being discussed at the meeting, but I have described that meeting previously. It was an informal discussion between me as Attorney-General, the Minister responsible for the National Crime Authority on the Intergovernmental Committee, and Mr Faris, Mr Leckie and Mr Tobin.

The Hon. R.I. LUCAS: When was the Attorney-General first advised by the Faris NCA that a number of NCA operations had been given a low priority by the NCA, and is he concerned that serious allegations, as are contained in these operations, as outlined by the Hon. Mr Griffin earlier in a question, are not being urgently reviewed by the NCA? Secondly, does the Attorney-General believe that the NCA has sufficient resources to investigate all the serious allegations as are contained in these operations that are currently before the NCA?

The Hon. C.J. SUMNER: To answer the second question first, one can always argue about the question of resources. All that I know is there are 41 people on staff in the NCA in South Australia. The South Australian Government has contributed annually somewhere in excess of $3.5 million to the operations of the National Crime Authority in this State. In addition, with reference to police corruption, there is an internal investigation branch, the Police Complaints Authority and the anti-corruption branch itself within the South Australian Police Force. When I last did the calculation, my recollection is that over 70 people were involved in those organisations dealing with corruption and allegations of organised crime of one sort or another.

With respect to the National Crime Authority, as I said, in excess of $3.5 million has been allocated—I think the total sum for all these people in operations is about $5 million. One can always argue about the question of resources. However, I would say that the Government has always made it clear to the National Crime Authority that, if it believes there is a problem with resources, we would

consider additional resources to ensure that those problems were overcome.

The Hon. R.I. Lucas: They have not asked for any more?

The Hon. C.J. SUMNER: Not to my knowledge. They have not asked for additional resources, that is correct. We have made it clear to them that, if they consider that resources are a problem, they are at liberty to raise that matter with us. Mr Dempsey's statement of 22 March deals with the question of the prioritisation of the National Crime Authority inquiries. It must be remembered that it is all within the one reference. If the matter comes within the reference, then the authority can use coercive powers. If it does not come within the reference, it does not mean that the authority cannot touch it, but it cannot use its coercive powers in relation to the particular matter that is not strictly within the reference. However, within the reference, obviously, the authority had to determine its priorities. A number of matters were referred to the authority, and in answers to previous questions I have referred to the matters that were referred to it in 1988.

People are aware of the terms of the reference. At the time the authority received that reference, Dr Hopgood made a statement in the Parliament and by press release indicating the matters that were included within the purview of that reference. Some of those were the matters that had been dealt with by the authority (when it was here earlier), in its 1988 report, part of which was tabled in the Parliament. Certain outstanding matters from that report had to be examined. There were the allegations of corruption raised in the Parliament and the public arena by the Hon. Mr Gilfillan and others during 1988. There were the Chris Masters' allegations on the *Page One* program relating to the police and drugs and also relating to the question of public officials being soft on corruption because they had attended brothels and had been video-taped in those brothels, and because of that had been blackmailed into going soft on corruption. Mr Dempsey in his public statement has dealt with the question of prioritisation and has indicated that the matter that the authority—

The Hon. R.I. Lucas: I asked you: when were you first aware of the fact that certain operations were going to be given low priority?

The Hon. C.J. SUMNER: After Mr Faris took over as Chairman of the National Crime Authority, he examined the priorities of the authority and suggested to the Government that the allegations in the Masters program should be given a high priority and proceeded with. That was explained by Mr Dempsey in his public hearing statement. He has said that, for the moment, the resources of the NCA are concentrated to a great extent, if not exclusively, on that central allegation made by Masters in the *Page One* story of October 1988 and repeated by the *7.30 Report* in December 1989.

The Hon. R.I. Lucas: Faris told you that on 19 July?

The Hon. C.J. SUMNER: No. That was indicated to the Government in August—and I have already dealt with this matter publicly. It was agreed during discussions between Mr Faris, the Premier and the other people to whom I referred in previous answers. Discussions took place about certain matters, and Mr Faris said that, in his view, that particular matter should be activated and examined, and that the other matters would be reprioritised. There is nothing new about that.

The Hon. R.I. Lucas: So, he told you that on the 19th.

The Hon. C.J. SUMNER: Not the 19th—I said 1 August. If the Hon. Mr Lucas wants to make interjections which are misleading, inaccurate and do not accept what I have said—

The Hon. R.I. Lucas: Do you deny them?

The Hon. C.J. SUMNER: Mr President, who is answering this question—the Hon. Mr Lucas or me?

The Hon. R.I. Lucas: You'e not, at the moment.

The Hon. C.J. SUMNER: I certainly am.

The PRESIDENT: Order! The honourable Attorney-General should not take notice of interjections. The Hon. Attorney-General.

Members interjecting:

The Hon. C.J. SUMNER: What I said—and I have said this on previous occasions—is that in August Mr Faris put to the Government that priority should be given to the particular Masters allegation about public officials, politicians, lawyers and police officers being videotaped in brothels; that because they are being videotaped in brothels they are being blackmailed, and that because they are being blackmailed they are going soft on corruption. Obviously, allegations made in those terms by Masters, repeated on *Page One* and by the *7.30 Report* in December last year, if true, are obviously of the utmost seriousness, and I would have anticipated that members opposite would have thought they were of the utmost seriousness, whether true or not.

All I am saying is that, from an operational point of view, there was a change, as members know, in the composition of the NCA on 1 July 1989; Mr Faris recommended to the Government that that particular matter be given priority and proceeded with; and that was dealt with by Mr Dempsey in his statement last week when he said that that matter was being inquired into and that he expected the inquiry to be concluded within three months.

It does not mean that other matters have been withdrawn, dropped or axed. Some have been disseminated to the South Australian police (and their inquiries are continuing); others of them will be activated by the NCA as and when appropriate. Obviously, in any such situation, priorities must be set by the authority. That is what it has done.

The Hon. R.I. Lucas: Are you concerned?

The Hon. C.J. SUMNER: I am not concerned that the authority has set its priorities. Mr Faris believed that the allegation made by Masters was very serious and, if we are talking about serious corruption, I should have thought that members opposite would accept that an allegation that politicians, lawyers and police officers have been corrupted because they have been videotaped in brothels around South Australia was a very serious matter, particularly since it has been raised again by the *7.30 Report* in December.

Incidentally, as members would remember, a former and well respected Police Commissioner of this State (Mr J.B. Giles) was caught up in those allegations made by the *7.30 Report* in December last year, the implication being that Mr Giles had behaved improperly or corruptly in relation to a raid by South Australian police on Popov's brothel. That was the thesis behind the *7.30 Report's* program in December, effectively repeating the allegations made by Masters. Masters and Anderson did the story in October 1988, and Anderson with the assistance of Masters did the *7.30 Report* story in December last year.

Surely that is a very serious matter, particularly as it is now being caught up in the allegations made last year on the *7.30 Report* with a former Police Commissioner, Mr J.B. Giles, who I think everyone, in this State at least, believed had a reputation for being a very good and honest policeman. If the media is to come out and make these serious allegations about public figures, whether it be about me or Mr Giles, or whether Mr Griffin or Mr Gilfillan is involved, the reality is that in this community we cannot have those sorts of allegations continuing to be made by the media and not have them investigated. I therefore sup-

port the fact that the authority has given priority to these matters. However, it does not mean that other matters have been dropped.

The Hon. L.H. DAVIS: I direct my question to the Attorney-General. Has the NCA discussed with the Attorney-General any problems with the terms of reference of the NCA and the possibility of any investigations being outside the terms of reference and, if so, will the Attorney-General elaborate?

The Hon. C.J. SUMNER: That is a fair question. There have been some discussions about the terms of reference and their adequacy within the authority. It is fair to say that Mr Le Grand felt that there were some problems with the terms of reference and made certain representations to the Government with respect to those terms of reference. It is, however—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: You are impossible! It is, however, true that the authority, as presently constituted, has not raised any problems about the terms of reference with the South Australian Government. From the South Australian Government's point of view, I make it crystal clear to the Parliament and the public that we have said, and made it quite clear to the NCA on all occasions when the question of the adequacy or otherwise of the terms of reference have been raised that, if there is any doubt about the terms of reference, we would support and take to the intergovernmental committee a request to have those terms of reference expanded. We have said that, if there is any doubt that the reference is adequate to ensure that the original intentions of the South Australian Government, as agreed by the authority in 1988, that allegations of corruption can be met, the State Government would wish to amend or extend the reference or, indeed, grant a fresh reference. That has been the consistent position of the South Australian Government with respect to the adequacy of the reference.

The Hon. R.I. Lucas: Did you do that with Le Grand?

The Hon. C.J. SUMNER: Yes. So, we are quite clear that we do not want any restrictions on the reference. We want it to be as broad as possible to achieve the intention that was outlined by Dr Hopgood when the reference was granted in November 1988.

There has been some discussion within the authority about whether the terms of reference are adequate. However, as far as the Government is concerned, we will be advised by the authority. If the authority considers that the terms of reference are not adequate and if it believes they should be expanded, we will support it. Obviously, we would actively promote an expansion of those terms of reference. However, the authority as presently constituted has not indicated to us that the terms of reference are inadequate. Nevertheless, I have formally raised with the authority whether those terms of reference are adequate and, if they are not, I would expect the authority to reply to me and indicate where it considers the terms of reference to be inadequate.

The Hon. R.I. Lucas: When did you raise that?

The Hon. C.J. SUMNER: I have insisted with the authority throughout that, if there is a problem with the terms of reference, the Government would want those terms of reference corrected. I have formally put that matter to the authority—

The Hon. R.I. Lucas: Today?

The Hon. C.J. SUMNER: You are impossible. His little innuendo implies that I did so only today.

The Hon. R.I. Lucas: Was it today?

The Hon. C.J. SUMNER: Of course it wasn't today.

The Hon. R.I. Lucas: When was it?

The Hon. C.J. SUMNER: The correspondence, I think, was sent on 19 March.

The Hon. R.I. Lucas: This year?

The Hon. C.J. SUMNER: Yes. But there is previous correspondence in which I made it clear that the Government would want the terms of reference extended if there was a problem with them. What I am saying is that that has been formally—and again—confirmed by the authority in the letter of 19 March to which I referred. Prior to that, in correspondence with Mr Faris, we made it clear that the South Australian Government's point of view is, as I said, that if there was any problem with the terms of reference, we would want them amended.

Despite those assertions having been made previously by the Government, the authority has not indicated to us that the terms of reference are inadequate. However, there is a formal note to that effect with the authority, and I would expect that if it considers the terms of reference to be inadequate it will advise us.

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question relating to National Crime Authority inquiries.

Leave granted.

The Hon. I. GILFILLAN: I am advised that the top priority investigation, and the one which has assumed the major role of NCA resources, is code named Medusa. It has been in progress for some time and, as all members know, it has allegedly involved not only Mr Sumner but also Mr Griffin and me in various degrees in the investigation into brothels. I am also advised that the working personnel of the NCA have been very upset and concerned about the course of events which changed the priorities of previous investigations, because they believed they were getting very close to resolving some of the seven investigations, presumably, to which we are referring.

I also have advice that three interim reports on the investigation code named Medusa were handed to the Attorney-General personally somewhere around May or June, or May and June, last year. I ask the Attorney: is he aware of the code name 'Medusa' as applying to the investigation which involves himself and others in relation to frequenting brothels?

The Hon. R.R. Roberts: These are all the so-called law and order people!

The PRESIDENT: Order!

The Hon. I. GILFILLAN: Does he agree with the priority which currently applies in the NCA? Did he make any efforts to persuade Mr Faris when he was the Chairman that this should indeed be the priority? Did he receive the three interim reports personally, as I have been advised? Will he reveal the contents of those reports? If not, what has been the fate of those reports? Finally, will the Attorney agree with me that an open inquiry such as an independent commission against corruption would have dealt with the sorry situation that applies in South Australia in a cleaner, quicker and better manner?

The Hon. C.J. SUMNER: The sorry situation has occurred because of a number of factors, not the least of which has been the obsessive attention and misinformation that has been spread in relation to the National Crime Authority's activities in South Australia. I refer to what Mr Dempsey said when being interviewed last week. We must bear in mind that Mr Dempsey was the general counsel for the authority for some months last year, that the National Crime Authority has been in South Australia in one form

or another since May 1986, and that the NCA under Justice Stewart, in its June 1988 report, indicated that it did not believe that a royal commission or open inquiry of the kind outlined by the honourable member was justified in South Australia. That has now been confirmed by Mr Dempsey, who has been involved in these matters in one way or another for some months. I quote from the interview with Mr Dempsey as follows:

Dempsey: Yes. Well, we had to take an initial assessment of course, of the Police Force. I mean, was it a Queensland situation? Did it seem not to be a Queensland situation?

Conlon: Mm.

Dempsey: Our initial assessment was that it was not a Queensland situation, that what you had was an honest, hard working and dedicated Police Force with either individuals corrupt in it or perhaps pockets of corruption.

Mr Dempsey further stated:

The vast majority of the people we have been dealing with within the South Australian Police (Sapol) have been supportive, honest and open with us.

So, the authority itself has indicated consistently at least up to the present time—it may change its mind when it continues its investigations—as I have said publicly on many occasions, that we do not have a Queensland situation in South Australia. I would expect that, if the authority thought we had, it would have notified the Government as soon as it came to that conclusion.

While the media seemed to have no compunction about bandying about operation code names, it is somewhat disappointing that the Hon. Mr Gilfillan has apparently twigged to a code name and decided to name it and refer to it openly in the Parliament. I merely repeat my caution: if members of Parliament and the media are going to refer to code names, and by such reference criminals can make connections as to what is going on in investigations and those investigations are therefore thwarted, the responsibility will have to rest on members of the media and members of Parliament who make such references. I can only indicate to people that caution should be exercised in that respect.

Mr Gilfillan, however, has decided not to exercise any caution with respect to the use of a code name that he has apparently got hold of, and, of course, it places me in an extremely difficult position. The media previously referred to specific matters by code and identified them in the media. I was able to respond specifically to those particular matters because they had been placed in the public arena. However, I do not believe that I should confirm or deny that the code name referred to by the Hon. Mr Gilfillan relates to the investigations into the allegations of politicians, police officers and lawyers being videotaped in brothels.

The honourable member should not assume from either his informant or from what I have said that the code name that he has indicated in the Parliament is in fact the code name relating to that particular inquiry. As I say, one really ought to exercise a degree of responsibility, and I would have anticipated that the Hon. Mr Gilfillan would do that. He has not done so, however. He has decided to adopt and follow the sexy media course which is to refer to a code name.

I do not think I can confirm or deny that that is a code name that relates to this particular matter. The matters relating to the brothel and the videotaping allegations are to be reported to the Premier, not to the Attorney-General. That has been in place since August last year, when it was decided by Mr Faris that priority should be given to this matter.

The Hon. I. Gilfillan: What about prior to August? Did you receive any reports prior to August?

The Hon. C.J. SUMNER: I think I have answered this question before. As I recollect it, prior to August there were no communications relating to this particular matter from the National Crime Authority to me. I wrote to the authority about it in a letter of February 1989 which I have tabled in the Parliament. The honourable member should not assume that the code name that he has indicated refers to the matter that involves the videotaping in brothels allegations. Reports on some have been received from the authority from time to time. I would expect to deal with some of those matters, at least those that I can, in a ministerial statement which I intend to give to the Parliament shortly.

The Hon. I. GILFILLAN: I have a supplementary question. Is the Attorney-General denying that he received any reports on the inquiry—regardless of its code name—which relates directly to allegations about him and other figures? Am I to understand, quite clearly, that he is denying having personally received any reports relating to that matter before August 1989?

The Hon. C.J. SUMNER: Yes. I have not received any reports relating to that matter before August 1989, as far as I can recollect. However, I will check to see if there had been any communications in relation to that matter prior to 1 August 1989. That was the meeting which Mr Faris attended with others, who have been mentioned in my earlier statements—the Premier—and at which Mr Faris recommended that priority be given to that matter.

The Masters' allegations have been before the NCA since November 1988. They were specifically referred to by Dr Hopgood in the press statement that he released and the statements he made in Parliament, at the time. The question of what priority was given to that, compared to the matters left over from the July 1988 report and other matters that might have been received by the authority, was a matter for the authority. All I can say is that Mr Faris determined, when he took over, that the allegation, which, if you look at it on its face, is a very serious allegation—

The Hon. I. Gilfillan: Did you try to persuade Mr Faris?

The Hon. C.J. SUMNER: No, I do not recollect trying to persuade Mr Faris to reorder his priorities or the authority's priorities. What I did was write a letter, in February 1989, which has been tabled in the Parliament, in which I indicated the allegations that had been made in the Parliament, and the public arena, during 1988. They were listed and one of them included the Masters' allegations, and then I gave them certain additional information which may have led to the conclusion that allegations were being made about me, and I said, 'The Government wants these matters investigated.'

The Hon. I. Gilfillan: Ahead of all others?

The Hon. C.J. SUMNER: No, I did not say that. You read the letter.

Members interjecting:

The Hon. C.J. SUMNER: No. The other allegations were referred to in that letter of February 1989. It was not just the Masters' allegation—the honourable member should get a copy of it and read it. Many of the allegations made in 1988 were referred to in that letter.

It was a matter at all times for the authority to determine what priority should be given to them. Mr Faris, on taking over, determined that the serious allegation made on the Masters' program, October 1988, repeated, and involving former Police Commissioner Giles, in December 1989 on the *7.30 Report*, was a serious matter. I would have thought that even to the honourable member it was a serious matter.

The Hon. I. Gilfillan: It sure is.

The Hon. C.J. SUMNER: Okay.

The Hon. I. Gilfillan: I'm interested in your involvement in persuading Faris.

The Hon. C.J. SUMNER: My involvement in persuading Mr Faris was, as far as I can recollect, nil. He determined, having looked at the matters and at the correspondence that was sent to the authority, looking at the priorities of the matters that were within the authority, that it should give priority to that matter in August. Of course, it is a curious position. The honourable member is now apparently complaining about that. A couple of weeks ago, all the media and members opposite were complaining because that matter had not been got on with and dealt with by the NCA as soon as it started its operations. One cannot win.

The fact is that when they decide to get on with it, the Hon. Mr Gilfillan criticises them, by implication; when they do not decide to get on with it, they are criticised because they left that particular matter aside.

The Hon. I. Gilfillan: Curiosity about your involvement.

The Hon. C.J. SUMNER: My involvement was to write the letter of February 1989, which you have. Mr Faris determined to recommend to the Government, and the Government agreed, that priority should be given to that matter, and that was in August 1989. I believe that I may have referred to that matter in earlier correspondence to Mr Faris, but certainly the position was that in February 1989 the letter was sent. The letter did not just deal with that matter; it dealt with a whole range of issues. It was put before the authority to ensure that it had a list of matters that it should examine and consider. Mr Faris came in and he determined that the matter relating to the videotaping should be given priority, and the Government agreed with that prioritorisation suggested by Mr Faris.

PREVENTIVE HEART DISEASE INITIATIVES

The Hon. CAROLYN PICKLES: I seek leave to make an explanation before asking the Minister of Tourism, representing the Minister of Health, a question about preventive heart disease initiatives in this State.

Leave granted.

The Hon. CAROLYN PICKLES: Dr Don Nutbeam, Chief of Research of Heartbeat Wales in the United Kingdom, was recently visiting Adelaide. He presented an overview of initiatives taken in recent years, which have positively influenced good health amongst the three million population of Wales. The Welsh Heart Program, named Heartbeat Wales, is a national demonstration project established in 1985 specifically to reduce the risks of cardiovascular disease on a total population basis. The long-term aim is to develop and evaluate, as a pilot venture, a regional health promotion strategy that will contribute to a sustained reduction on coronary heart disease incidence, morbidity and mortality in the general population, and in particular in those under the age of 65.

The topics the project addresses concern encouraging nonsmoking, healthy nutrition, regular exercise, stress management, cardio-pulmonary resuscitation and the detection and control of raised blood pressure and blood cholestorol. That would probably go down quite well in this Chamber, I should think. The program has been set up as a community-based project which draws substantially on intrinsic resources from within the varied communities and organisations, including health and education authorities, commerce, industry, mass media, local and central government, agricultural and voluntary sectors.

Suggested outcome goals of the project include not only achievements in terms of reductions in mortality, morbidity and population risk factors for coronary heart disease, but also changes in related health behaviours, attitudes and knowledge. Promotion of a healthy lifestyle is at the core of the project, and an important part of the strategy is to achieve environmental and organisational change, which will support healthy choices. In South Australia, we have a number of organisations which independently promote healthy lifestyles and potentials for heart disease risks, including the National Heart Foundation (NHF).

As a result of the full day workshop which was attended recently in Adelaide by some 60 people from various health agencies, government and industry, it was determined that the NHF, chair a small committee, comprising representation from the Anti-Cancer Foundation, the Australian Medical Association, the Asthma Foundation, the Health Development Foundation, the South Australian Health Commission, Community Health Services and the NHF to examine the need and feasibility of adapting and implementing a program similar to that of Heartbeat Wales for South Australia.

My question is: can the Minister indicate whether the Government will support the establishment of a Heartbeat program in South Australia similar to the Heartbeat Wales program?

The Hon. BARBARA WIESE: I will refer the honourable member's question to my colleague in another place and bring back a reply.

NATIONAL CRIME AUTHORITY

The Hon. DIANA LAIDLAW: I wish to ask the Attorney-General a question about the National Crime Authority (NCA). Can the Attorney-General indicate what prompted him to write the letter of 19 March to the NCA, as he has made reference to that letter earlier today? Will he be prepared to table the correspondence?

The Hon. C.J. SUMNER: Some discussion had occurred with respect to whether the terms of reference of the NCA were adequate, and I wanted to put on the record that, as far as the Government was concerned, if there were any problems with the terms of reference, we would support their being amended. In fact, the Premier discussed the matter with Mr Leckie, the Acting Chairman, prior to that letter being sent, and made clear to him that, as far as the South Australian Government was concerned, if there was any concern within the authority about the terms of reference, steps would be taken to have them amended.

The Hon. R.I. Lucas: What was the concern?

The Hon. C.J. SUMNER: There were discussions within the authority at various times as to whether the terms of reference were adequate. In particular, as has been mentioned, a list of names was attached to the reference and a question was raised as to whether or not that list of names limited the inquiry. As I understand it—I was not there—when the matter was discussed in November 1988 when the reference was granted, Justice Stewart expressed the view that the reference as prepared at that time would be adequate to cover the matters that the South Australian Government and community wanted examined. However, during the course of the inquiry, certain questions were raised as to whether the terms of reference were adequate. I am not sure that I am in a position to take that matter any further today. However, I will consider the second part of the honourable member's question about the letter and bring back a reply.

ELDERS PASTORAL COMPANY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Tourism, repre-

senting the Minister of Agriculture, a question about the Elders Pastoral Company.

Leave granted.

The Hon. T.G. ROBERTS: The *Stock Journal* and country papers are full of the restructuring that has taken place inside the Elders Pastoral Company. I refer to an article by Richard Webb in the *Financial Review* of 22 February with the headline 'Elders revamp imminent', and an article alongside it 'Harlin probe is poll time bomb', by Peter Gill and Libby Moffet. If one reads and examines them together, one sees that there is a connection between the two. The implications of the imminent closure of Elders Pastoral branches are now starting to be felt in rural South Australia.

The Hon. T. Crothers: Does it have anything to do with all the takeovers they were involved in?

The Hon. T.G. ROBERTS: Well, the pastoral houses were owned and controlled locally in South Australia until a management buy-up, which put in jeopardy the base of Elders Pastoral Company by its linking with lots of overseas companies. Given the high debt, the pastoral houses now look to be the sacrificial lamb for the restructuring process that Mr Elliott has initiated in these difficult times.

Unfortunately, rural South Australia is to pay the price of that restructuring, although one cannot take away the right of Elders Pastoral to restructure its own pastoral houses in the 1990s. There will be some benefits to some regional centres but, in the smaller country towns, the articles in the local papers indicate that there will be some pain in the restructuring. I quote from the *Stock Journal*, as follows:

> Branches at Kimba, Riverton, Tumby Bay, Ceduna, Streaky Bay, Gladstone, Yorketown, Snowtown, Maitland and Yankalilla have all shut.

Some of those will be picked up with home operated or home based management.

The PRESIDENT: Order! The time having expired for questions, I call on the business of the day.

WATER RESOURCES BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 919.)

The Hon. M.J. ELLIOTT: The Democrats support this Bill. Essentially, it tidies up the Water Resources Act 1976, which it will replace. We will seek to amend a couple of areas in the Bill and I will dwell on those briefly at this stage. With respect to the composition of the South Australian Water Resources Council, the Democrats believe that at least one person on that council should have relevant experience and expertise in matters relating to water quality and health.

I give notice that the Democrats will move an amendment to the composition of the council so that there will be at least one person with that experience. I believe that there is such a person appointed by the Minister in the present council, but there is nothing in clause 12 that will give any guarantee of that experience, which I think is important.

It is not made clear in this Bill whether or not either the Water Resources Council or the various water resources committees have the ability to initiate their own inquiries and thereby finally pass advice to the Minister consequent to that. It is not precluded but it is not specifically included either, and I will seek to amend several clauses of the Bill to give a guarantee that both the council and the various committees do have the capacity to initiate inquiries of their own volition and to pass on recommendations to the Minister as a consequence of that.

Perhaps one of my greatest concerns about this Bill relates to the granting of licences under Division III of the Bill, for bodies that may be releasing material. I am not a lawyer but it appears to me, from the way this Bill is structured, that common law rights of people will be removed by this Bill. If a person lives downstream of a person who pollutes the stream, one would expect that they would be able to initiate an action under common law against the person who has polluted the stream. However, under this Bill, the upstream polluter may have been granted a licence. I would expect that that grant of a licence would override the common law right so that persons downstream having their water polluted would appear to have no recourse whatsoever. I believe that that is a gross oversight, if that is the case.

Nevertheless, the granting of licences may occur without other interested parties ever knowing that a licence had been applied for, without knowing that the licence had been granted, and without being able to intervene at any stage. It is important that, if a licence is being granted to release material, the people who are likely to be affected in any way should have a chance to be advised; a chance to make a submission to the Minister, before the Minister grants the licence; and, should the Minister grant a licence, I believe that people should also have the opportunity to appeal to the Water Resources Tribunal in the same way as a person can appeal to the Planning Tribunal in relation to planning developments.

To do otherwise would be to deny them some fairly basic rights. The way things are currently structured, people who apply to release material have some rights; they can be granted the licence and, if they are refused the licence, they can appeal, but the people who are affected by the release of material have absolutely no rights at all. That seems to have things around the wrong way. I believe that that is a serious oversight and I will certainly seek to amend that section.

In addition, I believe that there should be some certainty of funds for some of the work that needs to be done under this Act, and I will move an amendment, similar to an amendment moved by the Liberal Party to the Marine Environment Protection Bill, that a fund be set up that collects a proportion of the licence fees and fines that may be allocated for the express purpose of implementing this Act. I would hope that the Liberal Party, since it is moving an identical amendment to another Bill, would look kindly upon such an amendment.

Once again, I will be moving amendments in an attempt to grant third party standing. I believe that, when we talk about water resources, one should not have to have just a financial interest before one can become involved in testing the law. It is quite clear from this Bill that it is intended to protect natural watercourses and, obviously, wildlife which will live in them or be affected by them in some way. A person who has an interest in such things or just enjoys swimming in the Murray River or occasionally drinking its water should have as much interest as a person who is extracting an income from some body of water. It is long overdue that we start granting standing in courts and before tribunals for persons who can prove themselves to be not vexatious or frivolous, or not just having a financial interest, as the situation currently stands.

I do not intend to speak at great length during this stage; I will wait until the Committee stage to look at things in more detail. The Democrats do support the Bill. I have pointed out a few areas where there are problems; in a

couple of cases, they are serious. One other area caused me some concern; part of the Bill refers to affecting water detrimentally, but at no place does this Bill make clear what a detrimental effect on water is. I can see lawyers having a field day trying to decide whether or not simply changing the concentration of substances up or down constitutes a detrimental effect. That would be interesting to argue, because an increase in some instances, such as salt in fresh water, is detrimental, but putting fresh water into brackish water would be detrimental, at least to the things that are living in it. So, an increase or decrease in the same substance in two different bodies of water may be detrimental in one case but not in the other.

I think the lawyers will have problems—or they will have fun—with that one. I believe that it is a mistake that the Bill does not try to define 'detrimental' or find another way of ensuring that water quality is maintained at whatever its natural level is, depending upon the location of that body of water. I do not offer an amendment at this stage but simply bring this to the Government's attention, suggesting that that clause which relates to detrimental effects of water will cause difficulties, I hope that that the Government may address that in some way. I know there is some suggestion that the Government may try to address it by way of regulations. I always find it difficult to try to approve a piece of legislation without knowing what the regulations will be, and it is something I prefer to avoid as much as possible.

With those words, the Democrats express their support for the general thrust of the Bill. It is generally a much better Bill than the Marine Environment Protection Bill, as it provides for a tribunal, unlike the Marine Environment Protection Bill, and it has a Water Resources Council which has a specific task to look after water resources, as distinct from the Government's proposal in the other Bill, which was to be much broader. So, it is a much better piece of legislation, with just a few flaws. I hope that during the Committee stage we will sort those things out. The Democrats support the second reading.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Returned from the House of Assembly with amendments.

EQUAL OPPORTUNITY ACT AMENDMENT BILL

In Committee.

(Continued from 28 March. Page 933.)

Clause 6—'Insertion of new Part.'

The Hon. M.J. ELLIOTT: I move:

Page 5, lines 32 to 35—Leave out subsection (3).

I ask members to look very carefully at proposed section 85h (3), which provides:

> This section does not apply to discrimination against a person on the ground of age where, in consequence of his or her age, the person is not, or would not be, able to practise the profession, or carry on or engage in the trade or occupation, adequately or safely.

It seems to me that putting this in tends to undermine much of what we are trying to achieve for age discrimination. I thought that we were trying to say that if a person is capable of doing something he or she should be allowed to do it regardless of age. Bringing in this term 'in consequence of his or her age' appears to me to offer a way out for a person to say, 'Look—because this person is 60, he cannot do the job.' That is precisely the opposite of what this Bill is trying to achieve.

This Bill is trying to say that if someone, regardless of age, can do a job, let him or her do it. I understand this measure has been inserted to try to achieve some consistency with discrimination in relation to disability, for instance. While trying to achieve that consistency, I do not think the draftsman has realised exactly what he has done. Discrimination in relation to age is slightly different again, and I do not see any good being served by this clause, if one looks at it carefully. However, I believe it undermines the very essence of this legislation, and I hope that the Government will consider that very carefully.

The Hon. L.H. DAVIS: I am not unhappy with the drafting of clause 85h (3). I accept that there are exclusion clauses in many of the various heads of age discrimination, and one can take the practical example—and we should emphasise the practical when looking at this legislation—of an 85-year-old person seeking to become an airline pilot or an 85-year-old seeking to become a plumber in a suburb with more two-storey houses than single-storey houses.

This is a practical provision. Ultimately, the test is contained in clause 85h (3), and a person can always go to the commission and prove that he or she does not fit within the exclusion clause. From the Opposition's point of view, I am not unhappy with the existing provision.

The Hon. M.J. ELLIOTT: The Hon. Mr Davis has illustrated the very thing of which I thought we had to be careful: he said, 'Imagine an 85-year-old plumber.' He has a mental picture of an 85-year-old. I agree that most people of that age would have a problem climbing on the roof of a two-storey building, but some 55-year-olds should not be climbing on a roof, either. The Hon. Mr Davis has done the very thing that I said was dangerous with this clause. He has tried to justify a decision as to whether or not a person should go into an occupation on the basis of age and what he is mentally associating with it.

While it is true that as people get older they become less able to do certain things, it does not happen at the same age for everyone. Trying to justify something on the basis of age alone, as this clause is doing, undermines what the Bill is trying to achieve. The Hon. Mr Davis has given an excellent illustration of the problems that that would create and the sorts of things that might find their way into an argument in court, whereby the Act could not end up doing what it set out to do.

The Hon. C.J. SUMNER: The Government opposes this amendment. Proposed new section 85h deals with discrimination on the ground of age by a qualifying body. The current wording of the subsection is consistent with the provision in the Act dealing with qualifying bodies and impairment, that is, section 73 (2). Parliamentary Counsel favours its retention, as does the Government. It provides clarification to the qualifying body that the ability to carry on a trade or occupation adequately or safely can be taken into account, although a person's age cannot.

In this context it is similar to proposed section 85f (3), which deals with employment. The resistance to subsection (3) is based on the argument that the provision perpetuates the link between age and incapacity. However, I point out that it must be established that the individual cannot carry out or engage in the trade or occupation adequately or safely.

The Hon. M.J. ELLIOTT: It is quite obvious that this amendment does not have support. The Attorney-General said that I suggested it perpetuates the link: I argue that that is exactly what the words 'in consequence of' mean. That is the very argument I am putting. Will the Attorney suggest exactly what the clause achieves? It is all very well to talk about consistency with other sections, etc, but what in essence does this do? What is the positive benefit of the clause, if the Attorney-General is not convinced of the negative sides that I see to this?

The Hon. L.H. DAVIS: I draw the Hon. Mr Elliott's attention to proposed new section 85f(3), an exemption provision governing employment, which provides:

> This Division does not apply to discrimination on the ground of age in relation to the employment of a person . . .

It has a similar exemption clause for employment as there is for qualified bodies, the clause that the Committee is now debating. The Hon. Mr Elliott did not see fit to object to that at any stage during the Committee proceedings. I should have thought that, to be consistent, he would do so.

A further point is that shortly we will be debating an amendment in relation to accommodation which, to use the Hon. Mr Elliott's words, discriminates against children in certain situations. That is something which we accept: that in age discrimination there will be exemption clauses on practical grounds and grounds of safety and commonsense, both at the younger end of the scale and for people of more advanced years.

The Hon. C.J. SUMNER: I do not accept the Hon. Mr Elliott's argument on this matter. The discrimination is outlawed on the ground of age, but if an individual is unable to practise the profession or carry on or engage in the trade or occupation adequately or safely and that can be established by the person against whom the act of discrimination is alleged, then an exemption is provided.

The Hon. M.J. Elliott: Is that not a sufficient test in itself without saying 'in consequence of age'? If someone cannot do something safely, they should not be doing it, regardless of age or anything else.

The Hon. C.J. SUMNER: That is a fair enough point, I suppose.

The Hon. M.J. Elliott: That is what this legislation is all about.

The Hon. C.J. SUMNER: It is basically a matter of clarification. It is saying that it is not discrimination on the ground of age if the person cannot do the job. I should have thought that that was a sensible clarificatory statement to put in the Act.

Amendment negatived.

The Hon. C.J. SUMNER: I move:

> Page 6, after line 8—Insert new subsection as follows:
> (3) This section does not apply to discrimination on the ground of age in respect of the admission of a person to a school, college or institution where the level of education or training sought by the person is provided only for students above a particular age.

This amendment provides for an exemption to allow educational institutions to impose a minimum age for admission. The amendment re-inserts a provision included in the Bill when it was first introduced into Parliament last year.

The amendment is limited to a minimum age of admission. It would resolve any issue relating to a very young child being presented for enrolment to kindergarten. However, it does not allow maximum age levels to be set. Therefore, it does not affect mature-age enrolments. If a person above the minimum age is to be excluded from an educational institution, it will have to be because of education or other reasons and not purely because of age.

The Hon. L.H. DAVIS: I move:

> Page 6, after line 8—Insert new subsection as follows:
> (3) This section does not apply to discrimination on the ground of age in respect of the admission of a person to a school, college or institution where—
> *(a)* the level of education or training provided by the school, college or institution is limited to students of a particular age group;
> and
> *(b)* that limitation is imposed on a genuine and reasonable basis.

In the second reading debate I made the point that the provision regarding discrimination in education, proposed section 85a, contained no exemption provisions. This concerned me because, quite clearly, in some cases, education authorities do cater for specific age groups, just as we have referred to accommodation in other cases which are covered by the dragnet section, proposed section 85o, where projects for the benefit of a particular age group may well take into account mature-age schemes.

However, I am not satisfied that proposed section 85o would cover all the possible problems that may arise in this area and, therefore, my amendment is rather broader and, with respect, I believe a more reasonable amendment than that of the Attorney-General, who has sought to confine his amendment to discrimination. His amendment provides:

> This section does not apply to discrimination on the ground of age in respect to the admission of a person to school, college or institution where the level of education or training sought by the person is provided only for students above a particular age.

I would submit that it may be above or below a particular age group. There may well be a situation where a person of tender years seeks admission to a TAFE course which does not require any prerequisite. It might be quite inappropriate for a 10-year-old, for instance, to submit himself to a sophisticated metalwork program where there might be some danger, and it might be just too advanced for him. I suggest it is reasonable to be able to exempt that situation. I urge the Attorney-General to reflect on the broader approach that has been adopted by the Opposition's amendment.

The Hon. R.I. LUCAS: I raised this matter briefly in the second reading debate and, having sought advice from the Education Department, the Attorney-General responded briefly. I am pleased to see that the Attorney has moved an amendment in response to questions raised by the Hon. Mr Davis and others in relation, in particular, to the age requirements for children to be admitted to kindergartens and, also, to junior primary schools, as I could have foreseen some significant problems if the exemption had not been provided. During the second reading debate I raised a series of other questions, and the department's advice to the Attorney was:

> The department does not envisage any major difficulties with regard to advancement of students, corporal punishment, etc.

I note that the department and the Attorney have used the phrase 'major difficulties'. I do not think there is any doubt that there will be—

The Hon. L.H. Davis: Many minor ones.

The Hon. R.I. LUCAS: —many minor ones, as my colleague the Hon. Mr Davis suggests, and some might even define them as major. However, the department obviously defines them as major. I do not intend to hold up debate this afternoon, because we are short of time, but I want to place on record again that, having read that response from the Attorney and, more importantly, the department, I believe there will be some problems in relation particularly to those parents who want their children to advance through the years at a greater rate than their age related peers.

A number of parents want their children to scoot through the grades, because they believe they are academically gifted

and talented. On many occasions the schools will tell the parents, 'We think your child is too young to be in secondary school,' or some such phrase. Obviously, the department will have to redraft its advice in that respect and not say, 'We think your child is too young.' I suppose that it will have to talk in terms of social capacity or something, but I do not believe that that sort of response will percolate down through all the 700 or 800 South Australian schools. I believe that we will have some problems in relation to that matter. I do not want to pursue that area. I have raised the point, but the department has rejected that aspect of it.

I wanted to explore the other point in relation to the Attorney-General's amendment, which he has adequately explained and which I will not go over. However, upon my reading of the amendment, if I am running a tertiary institution, for example, whether it be a university or TAFE college, in the country area of South Australia, under the amendment moved by the Attorney-General I am quite at liberty now to limit the access to the TAFE college or the university to over 30-year-olds or over 40-year-olds. I seek the Attorney's response to my understanding that the exemption that he has moved will allow a university or TAFE college, perhaps in the South-East, for example, to limit either complete access or access to certain courses, to people over the age of 30, 40, or whatever it is they may wish.

Perhaps a Government institution will not want to do that, but there have been problems with a range of private colleges. The Hon. John Dawkins, the Federal Minister for Education, has encountered problems with various private colleges providing English courses for overseas students. He has been very concerned about some of their activities, so we are not just talking about what we would see as reputable vice-chancellors of traditional universities; rather, we are talking about a range of training institutions and educational institutions, some run by Government and some perhaps run by profit-making entrepreneurs. I seek a response from the Attorney to the specific question as to whether under his amendment such an institution would be able to limit it, for example, to over 30s, over 20s, over 40s, or whatever, if they chose to do so.

The Hon. C.J. SUMNER: Yes.

The Hon. L.H. DAVIS: The other question that was posed during the second reading debate was the situation of, say, a 40-year-old who wanted to enrol for kindergarten. Does the Attorney believe that his amendment covers that situation, because I do not believe it does?

The Hon. M.J. ELLIOTT: The Democrats will support the Government's amendment in this matter.

The Hon. R.I. LUCAS: For the benefit of all members, particularly the Hon. Mr Elliott, I make the point that the amendment moved by the Hon. Mr Davis has an extra provision which states that a limitation is imposed on a genuine and reasonable basis. The Attorney-General has just conceded that a TAFE or education college or a university can limit all or some of its courses to persons over the age of 30, for example, and that would be a clear case of age discrimination that I do not think could be justified on the grounds of being imposed on a genuine and reasonable basis.

One can accept that there is some educational argument in relation to four-year-olds going to CSO institutions or kindergartens or five-year-olds going to schools and there is some educational research to back up that argument. But I do not believe that there is any genuine or reasonable basis for arguing that one should be able to limit access to a TAFE college, a university or a private educational institution to over 30-year-olds and exclude under 30-year-olds, for example, or any other age group. I hope that in the spirit of listening to the debate in the Chamber and being prepared to shift ground if need be, members will look at accepting the proposed additional clause in the Hon. Mr Davis's amendment that any limitation that is imposed ought to be done on a genuine and reasonable basis. The amendment might not catch all the matters that ought to be caught, but at least it imposes some sort of restriction or limitation upon acts of discrimination which are not caught by the Attorney's amendment.

The Hon. L.H. DAVIS: Does the Attorney-General have a response to the question I posed with respect to the exemption clause as drafted by the Government? Will it prevent an adult entering kindergarten?

The Hon. C.J. SUMNER: That is right. On the ground of age such an adult could not be discriminated against, but there may be other reasons why an adult's entry to kindergarten would not be appropriate. Those reasons include educational and social reasons.

The Hon. L.H. Davis's amendment negatived.

The Hon. C.J. Sumner's amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 6, lines 18 and 19—Leave out subsection (2).

I canvassed the reasons for this amendment during the course of the second reading debate, but it is important to relate them again. New section 85j deals with discrimination against another on the ground of age by refusing or failing to dispose of an interest in land to another person or in the terms or conditions on which an interest in land is offered to the other person. The exception to that is the disposal of an interest in land by way of, or pursuant to, a testamentary disposition or gift. I support that exception because many wills provide that a person should not benefit in a deceased estate, particularly in the area of land, unless that person has attained the age of 18, 21, 25 or some other age.

It would be quite improper for this legislation to impose upon testators a prohibition against expressing their wishes in respect of their estates in so far as they relate to land. It is also improper for this Bill to extend to interests in personal property disposed of by will. There is some argument that section 85k would be read down, but I think that the question ought to be put beyond doubt. There would be nothing worse than to give an opportunity to a person to challenge a will on the basis that it provided for an interest in personal property, goods or services to be made available to a person upon reaching a particular age.

Personal property such as jewellery, motor cars, furniture, and a range of items would come within the description of goods. Services may also come within that concept. It is not uncommon for people to provide in wills that a sum of money be put to one side to provide education for an infant beneficiary until that infant attains the age of 18 or finishes education. In those circumstances, that is a service.

As I say, it may be argued that my position would not ultimately prevail, but why allow the risk? Why not put it beyond doubt once and for all? Support for the amendment which I have moved would put the matter beyond doubt. It does not allow for argument involving testamentary dispositions. It keeps it out of the courts and whatever the arguments might be for or against, it certainly will do no harm. It will not prejudice any individual and it preserves the integrity of testamentary dispositions or gifts. Testators are entitled to have those positions preserved.

In the area of age this is more important than in any other area of discrimination because age is a well-known criterion for determining when a person becomes entitled to a gift, devise or bequest under a will. I urge the Attorney-General to consider the amendment sympathetically and to

support it on the basis that it would put beyond doubt any question about the application of the legislation to testamentary dispositions or gifts.

The Hon. C.J. SUMNER: The Government believes the amendment moved by the Hon. Mr Griffin is unnecessary, but in the interests of harmony it will not oppose it.

Amendment carried.

The Hon. L.H. DAVIS: I move:

Page 7, after line 5–Insert new subsection as follows:

(4) This section does not render unlawful a decision—

(a) not to supply goods or to provide services to a child; or

(b) not to permit a child to enter a place where goods are supplied or services are provided.

where that decision is based on a genuine and reasonable ground relating to the health, safety, welfare or well-being of children.

Again, this matter was addressed during debate on the second reading. In relation to discrimination in the provision of goods and services, we have an exemption clause which is limited to discrimination on the ground of age in relation to the charging of a fee or a fare. Obviously, that would cover STA free transport for schoolchildren and pensioners. In the private sector, a similar provision would apply with respect to the sale of tickets for admission to any place.

However, that is the only exemption provided for in proposed section 85k. I posed a question previously, which I did not think was completely addressed in the second reading response by the Attorney-General, concerning a situation where a child, accompanying an adult, enters a sex shop and the proprietor refuses to serve the adult on the grounds that it is inappropriate. I think that is a reasonable provision. I think it is reasonable to have an exemption for a situation like that, because the goods and services area clearly picks up this point. We are talking about financial services, leisure, entertainment, food and transport. There may well be other areas where it is not appropriate for children to be in the company of an adult. I think what the Attorney-General is saying is that this is covered elsewhere, that the discrimination question may be secondary to the fact that it is an offence to take a child into a sex shop, for example. But there may be other situations where an exemption clause like this may well be appropriate.

The Hon. C.J. SUMNER: The amendment is opposed. It would allow a decision to be made to refuse the provision of goods or entry, provided the discrimination is based on a genuine and reasonable ground relating to health, safety, welfare or well being of children. The Commissioner for Equal Opportunity is concerned that such an amendment would allow discrimination to continue based on assumptions concerning age. She strongly opposes the amendment. To a large extent the genuine concerns about safeguards for children have already been enshrined in other legislation which will not be affected by the operation of this Act. The Government appreciates the arguments from the Hon. Mr Davis in this area, but at this stage does not believe that there is a problem. However, if it is considered that there is a problem, when the matter is debated in another place we will give further consideration to the matter then.

The Hon. L.H. DAVIS: I find it somewhat curious that, for instance, we are providing for discrimination in partnerships, where as far as I can see there have not been any examples of discrimination recorded and yet here the Attorney is reluctant to put in an exemption clause which could well be seen to be reasonable. I again refer to that specific example of a child accompanying an adult into a sex shop. Does he believe that that case would be directly picked up by existing legislation?

The Hon. C.J. SUMNER: I think I have answered that question.

The Hon. M.J. ELLIOTT: I do not believe that the Hon. Mr Davis has in fact given us a single example of something which in concrete terms is a problem which may occur and which is not properly covered elsewhere, to start off with. Secondly, I see some problems about interpretation of the latter part of his amendment. With both those doubts, I will not be supporting the amendment.

Amendment negatived.

The Hon. L.H. DAVIS: To expedite proceedings, in relation to my further amendment on this clause, I indicate that the Attorney-General's amendment is very similar to mine; in fact, I suspect it might well be a small improvement in terms of its drafting. I am pleased that the Government has picked up the spirit of this amendment, because it is an important area. It is a difficult area. I think this is a very useful amendment which addressed the problem I have raised. I will withdraw my amendment and indicate that I will support the Government's amendment.

Given that this amendment deals with leisure accommodation, I take it that it covers youth hostels. I am fairly comfortable that it would cover the situation of youth hostels, because I suspect there are some in Adelaide that are not run just by charitable or community organisations but also for profit. But there is one matter of rather more concern that I suspect may not be covered in the legislation, and I ask the Attorney to address this matter. Regarding discrimination in relation to accommodation, proposed section 85*l* (4) provides:

This section does not apply to discrimination on the ground of age in relation to the provision of accommodation by an organisation that does not seek to secure a pecuniary profit for its members, where the accommodation is provided only for persons of a particular age group.

I instance examples of retirement villages, which are run for profit by well established organisations, and the Attorney-General would be familiar with a number of them. As it is now drafted, I do not believe that this section covers this position. For example, a person might put their name down for a retirement village, at age 75, when they have full physical and mental facilities but by age 79 when they go into the home there might have been a severe deterioration in their ability to look after themselves, and the retirement village might not be one of those with intensive facilities or the other facilities that some of the larger retirement villages offer in this day and age. I rather think that this could be a problem. This matter has been specifically raised with me by the Australian Retired Persons Association and also by people who operate retirement villages. It could well be that the dragnet provision, proposed section 85o, might cover this—but I would seek advice from the Attorney on that point.

The Hon. C.J. SUMNER: I move:

Page 7, after line 31—Insert new subsection as follows:

(5) This section does not apply—

(a) in relation to the provision of accommodation for recreational purposes where the use of that accommodation is limited, on a genuine and reasonable basis, to persons of a particular age group;

(b) in relation to the provision of accommodation in the principal place of residence of the owner of the accommodation;

or

(c) in relation to the provision of accommodation in premises that adjoin premises where the owner of the accommodation or any person appointed to manage the accommodation resides if the provision of the accommodation would be subject to the Residential Tenancies Act 1978.

As there is no disagreement with it, I assume it will proceed. With respect to the second point, the honourable member said that he hopes that the amendment will cover the situation relating to youth hostels. The Government believes

that it will but, in any event, as he has mentioned, there is proposed section 85o, which is a general needs section aimed at projects for the benefit of persons of a particular age group.

On the question of so-called retirement villages, proposed section 85*l* (4) was the subject of discussion, as I understand, between the Commissioner for the Ageing and the groups providing this facility, and the end result of those discussions and consultation is the provision which appears in the Bill. I do not see that there is a problem. If there is, again it may well be catered for by proposed section 85o.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 7, after line 41—Insert new section as follows:

85na. This Part does not apply to the disposal of an interest in land or goods, or the provision of services, by way of, or pursuant to, a testamentary disposition or gift.

Amendment carried.

The Hon. L.H. DAVIS: With respect to proposed section 85o dealing with projects for the benefit of persons of a particular age group, the Attorney would have received a letter from the Youth Affairs Council of South Australia (YACSA) early this year which states:

> This section relating to exceptions to the Act based on the special needs of certain classes of people gives some flexibility to the operation of the Act. However, it is possible that people reading the Act may interpret the section to exempt practices of their organisation. When in fact the tribunal could ultimately be called upon to decide such a question, it may take a different view. The existence of this section makes it essential the Government devote adequate resources to a public education and information campaign accompanying the introduction of this legislation.
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> In particular, organisations which run discriminatory programs based on special needs of young people should be made aware of the desirability of seeking the prior endorsement of the tribunal or, at the very least, getting the written advice of the Commissioner on whether their practice complies with the law.

I accept that, in drafting a broad clause such as this, it is difficult to have words which necessarily are easily interpreted, but, where the Bill states that 'this part does not render unlawful an act done for the purpose of carrying out a scheme or undertaking', I take it that a mature age scheme, as I have mentioned, would cover this situation. I presume that Meals on Wheels would be covered by this scheme, as indeed other provisions would cover it. I take YACSA's point about the breadth of this new section 85o, and I suspect that a lot of work will arise from it once this legislation takes effect.

The Hon. C.J. SUMNER: Like the rest of the legislation, it will be the subject of discussion with interested parties, and no doubt the Commissioner for Equal Opportunity will look at this and be prepared to provide advice and guidelines on the sort of things that might be covered by this proposed section.

The Hon. M.J. ELLIOTT: I move:

Page 8, lines 13 to 19—Leave out all words in these lines.

During the second reading stage of the debate, I said that I understood that, due to the Federal legislation, there was a need to exempt life insurance. However, I felt that superannuation could have been included with the other forms of insurance where there could be discrimination, as long as it was based on actuarial or statistical data. I see no reason why superannuation schemes should not be included within that section rather than in a previous section, where specific exemption would have been allowed on the basis of age.

The Attorney-General suggested that Federal legislation might be introduced, and that he wants to wait and see what happens. I believe—and he might like to respond to this—that New South Wales will legislate to make it illegal to discriminate on the basis of age in relation to superannuation, and that Victoria is about to do the same. If that is the case then looking for Federal consistency has gone by the board. Only last night the Attorney-General said that obtaining Federal consistency was difficult to do and that it was not worth waiting for—something along those lines.

If it is the case that both New South Wales and Victoria will not allow discrimination on the basis of age in relation to superannuation, the excuse he gave last night appears to fall down. I hope that the Attorney-General will rethink the position he put last night. No efficient actuary will have a problem allowing for statistical data, which is indeed their job.

The Hon. C.J. SUMNER: In relation to this amendment, the options are to insert it; agree with it and not proclaim it; or oppose it. The Bill does not affect the operation of superannuation, as has been indicated. That issue is being considered by the Federal and State Governments by way of a standing committee of Attorneys-General not only in relation to age but also in relation to sex. The matter is still not yet finally resolved. Certain sections relating to the sex discrimination provisions have not been proclaimed. A number of matters are currently under review in the Commonwealth arena which may impact on the issue of superannuation, and that is the reason for not including it at this stage. If it is included, I would envisage the section's not being proclaimed until these matters have been resolved.

The Hon. M.J. ELLIOTT: Does the Attorney-General agree that New South Wales and Victoria are about to outlaw discrimination on the basis of age in relation to superannuation?

The Hon. C.J. SUMNER: I do not know.

The Hon. L.H. DAVIS: While the Opposition has some sympathy with the Hon. Mr Elliott's amendment, we are inclined to support the Government's view. However, its view is somewhat different from the argument that it advanced with respect to retirement age. The Attorney-General suggests that if a provision relating to superannuation were to be included it would be brought in by proclamation, which is exactly the proposition I advanced last night on behalf of the Opposition with respect to retirement age. Both retirement age and superannuation are in a state of flux and, for that reason, I am inclined to support the Government's view.

Amendment negatived.

The Hon. M.J. ELLIOTT: The next amendment is consequential and I will not move it. I move:

Page 8, line 27—After 'STATUTE' insert 'OR AWARD'.

This amendment links up with a further amendment I propose to lines 30 and 31. The requirement in Division V is that within two years after the commencement of this Part, the Minister must prepare a report on those Acts of the State that provide for discrimination on the ground of age. If we are to look at all the various statutes in regard to discrimination, it would be reasonable to at least prepare a report on the awards which also lead to discrimination. There is no suggestion within my proposed amendments that the awards be changed: I am simply asking for a report. It seems to me to be a strange form of logic that within this legislation we are looking at discrimination but we are backing off from awards altogether and saying that should be dealt with in the industrial arena. That aside, all this is asking for—nothing more, nothing less—is that within two years a report be prepared on the impact of discrimination in relation to age under various awards. That is a reasonable request.

The Hon. C.J. SUMNER: This matter was canvassed at great length yesterday, particularly by the Hon. Mr Davis. The Government has already put its point of view which

is that, with respect to industrial awards, these are matters that should be dealt with in the industrial arena and the Government therefore opposes the amendment.

The Hon. L.H. DAVIS: As I have already said, the Opposition believes at this stage that this is a matter best addressed in the industrial arena and therefore will not be supporting the Hon. Mr Elliott's amendments.

The Hon. DIANA LAIDLAW: As an individual member in this place, I favour the amendment. However, I was unable to convince the majority of my colleagues of the wisdom of this move. I believe very strongly that such a provision should be included in this Bill. In fact, the first Bill I ever introduced into this place contained a similar provision. I know that in Queensland, for instance, a major report was prepared recently into sex discrimination provisions in awards, and that was released just before the Federal election. It was found that, in Queensland, 90 per cent of the 349 awards in that State discriminated against women.

I realise that we are looking at matters with respect to age, but I am sure that we would probably find that 90 per cent of awards in this State discriminate on the ground of age. That is merely supposition on my part because no such research has been carried out. It is a contradiction that this Bill provides that a report be prepared with respect to Acts of the State that involve discrimination on certain grounds but not with respect to awards where one could argue there are major areas where discriminatory provisions would be found.

I hope that, if we do not have a majority support for this amendment, the UTLC will undertake such an investigation. I doubt that the Employers Federation or the Chamber of Commerce and Industry would initiate such a step, but perhaps the UTLC will do so and, in time, I would like to believe that this Bill provided the impetus for such a move.

The Hon. L.H. DAVIS: I move:

Page 8, line 27—Leave out 'DISCRIMINATION UNDER STATUTE' and substitute 'OPERATION OF OTHER LAWS'.

The Hon. M.J. ELLIOTT: I am somewhat bemused by the perverse form of logic that operates in this place from time to time. We cannot even consider looking at industrial awards—that is what the Attorney is suggesting. There is no suggestion in my amendment that any awards be changed; it is simply a suggestion that a report be prepared. We are quite willing under this Bill to talk about education, retirement age, insurance, superannuation and a lot of other things, but for some strange reason we are not willing to ask for a report on the impact of age discrimination in relation to awards. That seems positively weird to me. This is one area in which age discrimination can reside and to not even agree to the preparation of a report is totally beyond my comprehension. It is totally inconsistent with what we are trying to do.

The Hon. C.J. SUMNER: I oppose the amendment.

The Hon. Mr Davis's amendment carried.

The Hon. Mr Elliott's amendment negatived.

The Hon. L.H. DAVIS: I move:

Page 8, after line 27—Insert new section as follows:

Non-derogation from other laws

85qa. Nothing in this Part—

(a) derogates from the operation of any other law that provides for or authorises discrimination on the ground of age;

or

(b) renders unlawful any act done to give effect to, or to comply with, such a law.

This is the non-derogation provision that was referred to in the second reading debate. It follows on from the private member's Bill introduced by the Hon. Diana Laidlaw in 1988-89. The Attorney-General has responded to this point and I see little point in further debate.

The Hon. C.J. SUMNER: The Government does not support the inclusion of a non-derogation clause. I am advised by the Crown Solicitor that such a provision is not necessary. The Government accepts that under the normal rules of statutory interpretation, where there is a conflict between general and specific provisions, the specific provisions will prevail. Therefore, where Parliament has stipulated an age limit, in legislation, it will prevail over the general provisions in the Equal Opportunity Act. We have heard this argument on non-derogation in respect of other areas of discrimination and Parliament has not included a non-derogation clause on those occasions. So, I suggest that for the sake of consistency we maintain that position with respect to this matter.

The Hon. M.J. ELLIOTT: I have opposed such amendments in the past and, for the sake of consistency, I will oppose this one.

Amendment negatived; clause as amended passed.

New clause 6a—'Power of tribunal to make certain orders.'

The Hon. C.J. SUMNER: I move:

Page 8, after line 36—Insert new clause as follows:

6a. Section 96 of the principal Act is amended—

(a) by striking out paragraph *(d)* of subsection (1); and

(b) by striking out subsection (2) and substituting the following subsection:

(2) The Tribunal may, at any stage of proceedings under this Part—

(a) make an interim order to prevent prejudice to any person affected by the proceedings;

(b) make an order dismissing the proceedings.

This amendment is aimed at clarifying the power of the tribunal to dispose of matters and make orders where a respondent has not contravened the provisions of the Act. A recent amendment to section 96 of the Act provides for the tribunal to make certain orders, including dismissing the complaint where the respondent has contravened the Act. This section does not deal with orders by the tribunal where no contravention has occurred. This is considered to be a drafting error which should be resolved by enabling the tribunal to make an order dismissing proceedings in cases other than where the respondent has contravened the Act.

The Hon. L.H. DAVIS: The Opposition indicates its support for this amendment.

New clause inserted.

Clause 7 and title passed.

Bill read a third time and passed.

SUMMARY OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 March. Page 766.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading of this Bill and its general thrust. It provides for three areas of police powers to be codified and clarified. The first relates to a road block, the second relates to the declaration of an area as a dangerous area and the third relates to entry into a deceased person's home for the purpose of gaining information as to the identity of the person or for the purpose of ascertaining the condition of the person who may be there.

In relation to road blocks, the Bill authorises a senior police officer of or above the rank of inspector to establish a road block where the senior police officer believes on reasonable grounds that such establishment would signifi-

cantly improve the prospects of apprehending a person suspected of having committed a major offence or who has escaped from lawful custody. A major offence, as defined in the Bill, is one which attracts a penalty of a maximum of life imprisonment or imprisonment for at least seven years.

The authorisation by the senior police officer operates for an initial period not exceeding 12 hours, but it may be renewed by a senior police officer for a period not exceeding 12 hours. So, effectively there is no limit on that in terms of the number of renewals that may be authorised. A written record has to be kept of authorisation and a report is to be made through the Commissioner of Police to the Minister after each 30 June. That report must then be laid before both Houses of Parliament.

When a road block is established a member of the Police Force may stop vehicles, require persons in any vehicle to give their full name and address, search a vehicle and give reasonable directions for the purpose of faciliting the search, and may take possession of any object found in the course of such a search that the police officer suspects on reasonable grounds to constitute evidence of an offence by the person for whose apprehension the road block was established.

A senior police officer of or above the rank of inspector may also make a declaration that an area, locality or place is dangerous, and that declaration may be for a period of up to two days. It may be made where the senior police officer believes on reasonable grounds that it would be unsafe for members of the public to enter a particular area, locality or place because of conditions temporarily prevailing there. When a declaration that a place is dangerous comes into force—when it is made—it has to be broadcast as soon as possible by public radio or published in any other manner that the senior police officer thinks appropriate.

A person who enters a dangerous area contrary to a specific warning given or who fails to stop a vehicle when required to do so is guilty of an offence. When a person enters a dangerous area contrary to a warning, that person is then liable to compensate the Crown for the cost of the operations reasonably carried out for the purpose of finding or rescuing that person.

In the third area relating to special powers of entry, a senior police officer, again an officer of or above the rank of inspector, may authorise entry where that person suspects, on reasonable grounds, that an occupant has died and the body is in the premises, or an occupant is in need of medical or other assistance. In those circumstances, a member of the Police Force can enter the premises for the purpose of investigating the matter.

Where a person has died, and the Commissioner considers it necessary or desirable to do so, the Commissioner may issue a warrant to a police officer authorising that officer to enter the premises in which the person last resided before death in order to search the premises for something that might identify or assist in identifying the deceased or relatives of the deceased, or to take property of the deceased into safe custody.

They are the three areas I wished to raise. The powers granted by the Bill are very broad, but in principle the Opposition supports them. The police should have adequate powers to ensure the apprehension of escapees and suspected criminals, but that power should be subject to as many safeguards as may be reasonable and possible. It is important to endeavour to achieve a balance between the necessity for police to have powers on the one hand and, on the other, to be certain, as much as that is possible, that those powers are not able to be abused.

One of the disappointments about the second reading explanation is that there is no information as to the specific examples where the need for this codification has been demonstrated. There is an indication that there is a request from the Police Commissioner for these powers and, whilst one respects the Police Commissioner's request, I would have thought it important that the Government provide in its second reading explanation details of the occasions where police powers have been deficient. I would like the Attorney-General in his reply to provide information about those specific cases where a deficiency in police powers has been identified and the consequences of that identification in those circumstances. I would also like to know details of the occasions in the past 12 months, for example, where these powers have been required, particularly in relation to roadblocks and the declaration of an area which is dangerous.

Let me deal, first, with the question of civil liberties. The South Australian Council for Civil Liberties wrote to me about this Bill, as follows:

> This council is generally concerned that the proposed legislation is undesirably excessive to the problem which that seeks to address. With respect to the roadblock proposal, we accept the desirability of police being able to restrain the movement of criminals by stopping and searching vehicles, but we cannot understand why the roadblock should remain in force for periods of 12 hours with a right of renewal for a further 12 hours. We would have thought that in appropriate legislation a vehicle stopped at a roadblock should be subject to search and allowed to pass along its intended route unless the police are satisfied that they are implicated in the 'major offence' justifying the roadblock.
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> We would have thought that the use of roadblocks in connection with detecting crime would be an unjustifiable imposition upon ordinary commerce unless very special circumstances existed. Such circumstances should not be a matter for police officers, but should require permission at a judicial or ministerial level.
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> Permitting police officers to create roadblocks which effectively imprison large areas of the community is a potentially political weapon, and this legislation fails to guard against abuse of that sort.
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> The provisions in the Bill which allow for the declaration of 'dangerous areas' is equally excessive. Again, we recognise the good sense in having powers to isolate areas in very special circumstances. What we cannot agree with is that this enormous power should be available to police officers without first seeking judicial or ministerial approval. An appropriate Act of this type would specify the types of dangers which could justify such a declaration. Certain members of the public, in particular the press, should be entitled to apply for exemption under a voluntary assumption of risk principle so that this power cannot be abused for political purposes.
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> Likewise, individuals so affected by the declaration that their own property or the lives of those close to them are put at risk should be entitled to apply for exemption. The public should be entitled to challenge a declaration without first having to prove that they have a direct interest in the area under declaration. These are minimum safeguards required to protect civil liberties and are not contemplated by the proposed Bill.
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> In its present form the Summary Offences Act Amendment Bill 1990 offends civil liberty principles, and clauses 4 and 5 thereof in so far as they affect the insertion of new sections 74 *(b)* and 83 *(b)* should be rejected.

That is the view of the Council for Civil Liberties; it acknowledges the need for these powers in limited circumstances.

I turn now to aspects of the roadblock question. The initial authorisation for a roadblock must not exceed 12 hours, but it can be renewed from time to time for periods up to 12 hours each. That renewal can occur when authorised by a senior police officer. I am inclined to the view that, because of the wide powers granted to police at a roadblock—searching and other powers—whilst the police should have the power to impose a roadblock for the initial period of 12 hours, any renewal should be by a justice, and

authorisation can be achieved very quickly, even on the telephone. We must remember that there are wide powers of search at a roadblock, and for that reason I believe there ought to be some check against abuse of power.

As a result of a search at a roadblock, there may be evidence which the police officer suspects, on reasonable grounds, relates to an offence by the person for whose apprehension the roadblock is established, and in those circumstances that evidence may be seized. A very sensitive area is where evidence of other offences by other persons might be detected, even though the roadblock is not established for that purpose. For example, there may be heroin or marijuana, but it seems to me that there is no power within the Bill to enable that to be seized, and it raises a potential for conflict with existing law. I should like to see no doubt about the capacity of police in those circumstances to be able to seize the illegal or prohibited substance or to seize the evidence of other offences, even though the roadblock may not have been establishd for that purpose.

The Commissioner is to report after 30 June each year in relation to authorisations for roadblocks. That takes it out of the area of accountability. I would propose that, within seven days after each roadblock authorisation has been granted, a report of that authorisation be provided to the Minister and that the Minister be required to lay the notification before Parliament, if it is sitting, within seven sitting days. Some suggestion was made in the other place that that introduces unnecessary bureaucracy. In response, I suggest that there cannot be so many authorisations for roadblocks that that becomes onerous. If it does become bureaucratically onerous, one has to question the extent to which roadblocks might be used.

In relation to a dangerous area, the power to declare is wide. The criterion upon which the declaration may be made relates to conditions temporarily prevailing. That does not indicate whether it relates to bushfire, flood or other natural disaster or to situations where, for example, a gunman is under siege. There is a potential for conflict between the State Disaster Act and the Country Fires Act, in particular, where there are wide powers available to certain persons to prevent access to property.

We need to explore limitations on this power and to put beyond doubt that it is because the conditions are dangerous that the declaration may be made. I propose that the period be limited to 24 hours and if it is to be extended then it can be so extended for a further period of 24 hours. The Bill provides that it is an offence to enter a dangerous area, but we should question the right of the media to enter and to report, and also the right of persons whose property or family may be at risk.

I find it rather offensive that, where a person's family is threatened by floodwaters or fire, a relative who seeks to rescue them may find himself or herself liable to prosecution and also to pay the cost of any attempt by the Government to rescue that person. There ought to be some exemptions and I propose those in amendments which I have on file and which may be added to over the weekend. There is no provision for the reporting to the Minister of a declaration that an area is dangerous and I propose that the same conditions of reporting apply there as apply to roadblocks.

As to the special powers of entry to premises, which would enable access to be granted for the purpose of identifying a person who last resided there before a death occurred, the warrants are issued by the Commissioner, and I propose that, because this involves gaining access to premises by force, there be a warrant by a justice. I do not want to be criticised for creating extensive bureaucracy. I do not believe that that will occur, but I do believe that we need checks and balances on the powers which are granted to law enforcement agencies. There is nothing onerous about the provisions which I propose to insert which will provide those checks and balances. After all, we do provide them in legislation relating to telephone interception. We provide those safeguards in other areas of the law and I think they ought also be included in this legislation. Subject to these matters, the Opposition supports this Bill.

The Hon. I. GILFILLAN: The Democrats will support the second reading of the Bill. The proposed amendments fall into three major areas; namely, roadblocks, dangerous areas and special powers of entry. All three amendments have a common tread—that is, the allocation of authority to determine all three situations no longer involves the judiciary or a Minister but rests with a senior police officer (someone of or above the rank of inspector). This is a cause of concern, especially to civil libertarian groups. Although all three areas aim to define the powers of the police better, this does raise several questions as to how these newly defined powers might be exploited.

In the case of the roadblock proposal, why is it considered necessary for police to maintain a roadblock in a given area for a period of 12 hours? Why must a senior officer be given the power to consistently renew the roadblock at 12 hour periods, something that could effectively restrict public access and disrupt normal commerce for very long periods? Under the roadblock provision, police would also be able to stop and search any vehicle they choose, based on a suspicion of a person being involved in the crime associated with the roadblock. However, would police be able to hold people and vehicles on an unassociated offence as a result of a search? Why would they be inclined to allow someone to pass through a roadblock after searching the vehicle and finding drugs, for instance—although the roadblock may have been established to catch an escapee? Could roadblocks be used to keep the general public and, more especially, the media, away from a specific area for long periods of time?

This leads to the second major amendment involving 'dangerous areas'. Under the proposal, a senior police officer may declare an area 'dangerous' and the general public and the media will be prevented from entering the area, subject to committing an offence. A 'dangerous area' is not defined under the legislation, although commonsense examples have been given, such as a bushfire, flood, earthquake, rock slide, major accident, bombing, chemical spill, etc. However, some questions arise, such as: could a dangerous area include a potentially violent confrontation between protestors and police? Would a dangerous area include a police manhunt and could the media in particular be kept away from seeing how police conduct such an operation?

With the police able to prevent members of the public from entering their homes during a flood or bushfire, would they also have the power to remove people from their homes, under the 'dangerous area' amendment? Why should such powers be vested in a police officer who may be making decisions in the heat of the moment and who could therefore be over-reacting, or misjudging a situation, when such decisions could better be made, cooly and objectively, be a member of the judiciary? Members of the public would also be liable to pay for any police action taken on their behalf should they enter a dangerous area against advice and need assistance.

Finally, we come to the matter of powers of entry. This defines a situation under which a police officer may forcibly enter a private citizen's home, for reasons such as, in the case of death (an elderly person has not been seen for some

time and milk bottles and newspapers are building up on the front porch), a medical emergency, which could presumably cover a multitude of areas, and 'other assistance', a vague and undefined term that raises the question of whether the police would forcibly enter a home during a domestic argument.

All in all, the Summary Offences Act Amendment Bill raises a number of serious questions about civil liberties and to what extent should police powers be expanded. The subsequent Liberal amendments, which I have only just had a chance to cursorily assess, do offer some part-way solution to some of our concerns, and others need more consideration. I have not been able to hear all of the Hon. Mr Griffin's remarks, and as I consider that it is important to have a chance to consider them before concluding my second reading speech, I will be seeking leave to conclude my remarks later.

Before I do, I acknowledge that the Bill has worthwhile intent. It is a matter of balance of what is appropriate and useful powers for the police to have as against the protection of civil liberties. It is interesting and perhaps noteworthy, as I understand the tenor of the shadow Attorney's speech and amendments, that the Liberal Party is championing civil liberties in this debate. I will not express surprise, but the matter has certainly not escaped my notice. Traditionally, the Liberal Party would tend to push towards a police state and in this case the flag is vigorously being waved — up to date at least—in bringing in civil libertarian aspects. It shows the significant versatility of the shadow Attorney-General in his capacity to comprehend and grasp the nuances of legislation as it comes into this place.

I look forward to the Committee stage. It may well develop into an interesting and worthwhile analysis of police powers *vis-a-vis* civil liberties and, with the aim of contributing some observations on the shadow Attorney's remarks, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CLEAN AIR ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 March. Page 848.)

The Hon. DIANA LAIDLAW: The Liberal Party supports this Bill to amend the Clean Air Act. The principal purpose of the legislation is to aid the administration of regulations relating to fires on domestic, commercial and industrial premises. In her second reading explanation, the Minister said that the amendments had been sought in response to requests by local councils which had delegated responsibility for administering the provisions controlling fires in the open on non-domestic premises and fires both in the open and in incinerators on domestic premises.

One of the provisions in the Bill seeks to clarify what is meant by a fire in the open and another is to empower local councils to administer the provisions controlling domestic incinerators that are used by occupiers of flats and other multiple household dwellings. I am a strong supporter of giving local councils further powers to administer these provisions. With the Opposition's support, the Government may encourage greater concentrations of housing in the metropolitan area, resulting in more flats and other forms of multiple household dwellings, and we may find that the practice of using domestic incinerators becomes an increasingly offensive issue for neighbours. That is why I particularly welcome this further power to encourage local councils to administer these provisions.

The Clean Air Act Regulations 1984 prohibit a fire in the open on non-domestic premises except by written consent of council and subject to such conditions the council may wish to impose to minimise nuisance. The Minister for Environment and Planning, through the department, has responsibility for controlling emissions from incinerators on non-domestic premises. Some units, depending on type and capacity, require a licence to operate under the Clean Air Act. These units are often technically complex, designed to burn specific materials. Local councils generally do not have the technical expertise or equipment necessary to assess the design and operation of these incinerators; hence the State provides this service.

A problem encountered by local councils is what constitutes an incinerator on non-domestic premises and whether a fire within a semi-permanent construction is a fire in the open. An example of this is the situation faced by a council officer when responding to the nuisance caused by burning waste in a 205 litre drum. The Bill seeks to clarify the position by regarding any fire in the open air—that is, any fire not within a building—as an open fire, unless the products of combustion are discharged into the atmosphere via a chimney. It is not acceptable under the Bill to simply add a chimney to a rudimentary container and call it an incinerator—the unit would most surely fail the statutory emission standards. This amendment will eliminate a matter of interpretation and provide local councils with the opportunity to control what is essentially a matter of local nuisance.

The second provision of this Bill is also intended to assist authorised officers appointed by a local council in the execution of their duties under the Act. There is no power to eliminate the source of the complaint by either requiring the fire to be extinguished or causing it to be extinguished. This has led to the unacceptable situation of the law appearing to be administered, while the air pollution problem remains. The Bill therefore provides that an authorised officer has specific power to require a person to extinguish a fire where that fire contravenes the regulations. Again, the Liberal Party supports that provision.

Recognising that some offenders may refuse to extinguish a fire, the authorised officer is also empowered to personally extinguish fires or have them extinguished through an appropriate agency. The Minister indicated that these provisions are necessary to ensure the effective administration of air pollution regulations in respect of burning rubbish and to protect against unwarranted nuisance associated with that activity.

I am advised that the Noarlunga council is already on the sixth schedule of the regulations under the Clean Air Act which concerns the provision to which I just referred; and that also the councils of Thebarton, Glenelg, Henley and Grange and Unley have applied to have delegated authority under this Bill. These measures will apply only to those councils that ask to be placed on the sixth schedule.

The Bill provides power to make regulations that fix fees for exemption from the prohibition in relation to the sale, use, etc. of ozone depleting substances. However, as some of the fees are based on the quantity of substance used or sold by an applicant during the previous calendar year, it is necessary to provide that the fee, which could be viewed a tax, be fixed by regulation.

As that regulation came into operation on 1 February 1990, it is proposed that this amendment be backdated to that date. The Liberal Party takes exception to that retrospective aspect of the Bill and, as occurred in the other place, we intend to move an amendment to ensure that the Bill does not apply retrospectively. That is the only matter

with which we take specific issue in relation to this Bill. I do not have a copy of that amendment at this stage, although I have asked for it to be prepared. That is one of a number of matters that will be raised during the Committee stage. In general, the Liberal Party has no misgivings about this Bill, and supports it.

The Hon. T. CROTHERS secured the adjournment of the debate.

MARINE ENVIRONMENT PROTECTION BILL

Adjourned debate on second reading.
(Continued from 28 March. Page 926.)

The Hon. R.R. ROBERTS: I welcome the opportunity to contribute to this Bill, which I support. I am sure that all South Australians will be delighted with this legislation. South Australians enjoy probably the cleanest marine waters in Australia, and I am certain that they will be pleased that this Bill has the potential to make that environment even better. I speak in this debate today on behalf of my constituents in Port Pirie, and members would be aware that that is where I live. Over the years Port Pirie has received a vast amount of criticism which has offended its citizens, and not because they want to hide their head in the sand and pretend that there is no pollution.

Port Pirie people recognise that it is ludicrous to think there have not been forms of pollution on the site of the world's largest smelters, which have operated for 100 years. Those people are sick and tired of the fact that, every time some pimple-faced journalist wants to get his name on the front page of the paper or, indeed, on film, they trot out what a terrible place Port Pirie is. Port Pirie has one other attribute that its residents are very proud of: it is called the city of friendly people. I can assure members that on many occasions that has been tested. It is their wont, but they feel it is not obligatory and they get very incensed by this constant barrage from ill-informed people who want to get their name in the paper or who want a reputation in journalistic circles.

The people of Port Pirie recognise that, for 100 years, there have been many forms of pollution in the area. There has been airborne pollution and problems in the industrial area with workmen and their families subjected to varying amounts of pollutants, not the least being marine pollution. Everyone in Port Pirie accepts that, over the years, there have been many instances where excessive levels of pollutants have escaped into the atmosphere or marine environment. An example of what has been done to address this situation (and one that ought to be followed in this Chamber) is that, very recently, BHAS—the largest lead smelter operation in the world—was under some threat because of the costs involved in running these sorts of industries and the nature of the product being produced. It was felt that, unless there was a massive injection of funds for new technology, the industry would not be able to survive. A Kivcett program was proposed which would entail the expenditure of $234 million. That proved beyond the capacity of the company to make that sort of investment in the economic climate three years ago. The community of Port Pirie was faced with the dilemma of being likely to lose the major industry in that area, an industry which has sustained the community of Port Pirie for 100 years and which is probably the largest export income earner in South Australia.

In my previous role as President of the Trades and Labor Council in Port Pirie, I got in touch with the then manager of BHAS (Mr Ken Parkes)—and he is still the manager—to look at the future of the industry, the city of Port Pirie and the surrounding areas. It was resolved that, for the industry to continue to operate, the best scenario would entail the immediate expenditure of $53 million. A number of assurances would have to be given that the environmental and economic improvement plan had the opportunity of a reasonable time frame in which to be implemented. What occurred at that stage is an example for anyone who wants to talk about pollution of any kind, whether it be airborne, industrial, on the job or in the community. For the very first time, the trade union movement, the company and members of the community sat down with the Government to address the problems in a realistic way and determined what was needed to be done and the time frame required for it to occur.

In his contribution in this place yesterday, the Hon. Mike Elliott mentioned the EEIP and quoted from a number of letters which, until yesterday, I believed were confidential between the negotiating parties. However, there are a number of people we have had to endure in Port Pirie who want to make names for themselves, who are 'born again greenies', malcontents within Government departments who have obviously made this material available, with little attention to the consequences on the social ramifications and dignity of people who work in the area.

I believe that they should stand condemned for that. However, in Port Pirie statements of understanding and specific undertaking were developed. It is interesting to note that with these statements we set out as a group of people dedicated to improving the environment and the well-being of the work force, the community and the natural environment. I believe that great strides have been made in this area by applying a simple formula of cooperation and goodwill.

Some of the other criticisms that I have heard in relation to Port Pirie come from members opposite and the Australian Democrats. They talk about heavy metal pollution, a subject which has been widely canvassed, again to the great displeasure of Port Pirie people and people who live in that area. This is not because people in Spencer Gulf areas believe there is no pollution. Pollution has existed for 100 years in Port Pirie. For most of that time this State was governed by conservative Governments that did very little—in fact, one could almost say nothing—in relation to conservation issues. It is only since Labor Governments have been installed in this place regularly that we have seen improvements in the environment and in the occupational health and safety of workers in BHS and, indeed, in every other area.

In relation to industrial situations of occupational health and safety, by sensible cooperation, reasonable time frames and the application of commonsense Port Pirie has been able to reduce dramatically airborne emissions. The urban renewal and lead decontamination programs undertaken in Port Pirie over the past six years are a credit to any Government that has participated. Cohort studies of the community have been wide-ranging and costly and are appreciated by the people who live in these areas.

Indeed, I would like to make another point with respect to marine pollution. Members will remember discussions that took place last year about the dolphins at Marineland. The people of Port Pirie saw the potential to house these dolphins in the estuary of the Port Pirie river. Given the past bad experiences of adverse publicity, it was determined that the development committee, which runs the lead decontamination program, with ground water consultants would

undertake a comprehensive marine survey of the Port Pirie river.

One of the interesting things that came out of this study—and this report has been presented to Parliament—was that, whilst there were some high levels of heavy metals found in the estuary of the Port Pirie river, they were not excessive and would not have affected the dolphins. The outstanding point established by this study was that the bacteriological levels in the Port Pirie river were lower than in any other port in South Australia. I would have thought that is a credit for which we ought to be applauded; however, as is usual in these situations, there was not a line in the press.

One of the credible things about this legislation as it is framed is the sensible approach that the Minister has taken towards the control and management of the implementation of this Act. I was fortunate enough to get some information, and I understand that the same offer of a briefing was made to members of both the Liberal Party and the Democrats.

My advice as of 3.30 today was that neither Party had availed itself of the opportunity of a briefing by the experts who are looking at this legislation. No-one from the Liberal Party or from the Democrats took the opportunity to make a commonsense appraisal of the facts being put before them. Had they done that, they would have been aware that the Minister went to great lengths to have discussions with Treasury in respect of the fines and the time frames for the implementation of this legislation.

What the Minister has tried to achieve in terms of this legislation is the ability to fund the whole operation. What I am afraid would happen if some of these proposed Opposition amendments were carried is that the administration of the legislation would become impossible under the funding arrangement and the Minister would have no alternative but to raise revenue from other sources.

Where major Government bodies are involved, I suggest, the funding burden will be thrown back onto the average taxpayer of South Australia. I do not wish to say more than that I believe that the Minister deserves great praise for being the first to introduce legislation in this very important area which will improve the lives and leisure facilities of the people of South Australia.

The Hon. M.B. CAMERON secured the adjournment of the debate.

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The PRESIDENT: The House of Assembly intimated that it had agreed to give leave to the Premier (Hon. J.C. Bannon), the Minister of Industry, Trade and Technology (Hon. Lynn Arnold) and the Minister for Environment and Planning (Hon. S.M. Lenehan) to attend and give evidence before the Select Committee on the Redevelopment of the Marineland Complex and Related Matters if they think fit.

PARLIAMENTARY REMUNERATION BILL

Received from the House of Assembly and read a first time.

INDUSTRIAL RELATIONS ADVISORY COUNCIL ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

As this matter has been dealt with in another place I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill has three purposes, namely, to extend the operation of the Industrial Relations Advisory Council Act 1983 from its present expiry date of 30 June 1990 to 30 June 1993, to increase the membership of the council from 10 to 14 and to revise the schedule to the Act. The Industrial Relations Advisory Council was established as a statutory body on 28 July 1983 following proclamation of the Industrial Relations Advisory Council Act 1983. The major reason for its establishment was to ensure that the industrial relations climate in South Australia continued at the very satisfactory level which had prevailed for many years. The Government has been pleased with the work of the council which has ensured tripartite consultation on matters of industrial relevance and in particular on legislation of industrial importance. The proposed extension has the support of the United Trades and Labor Council and the major employer organisations. The Government commends the continuing role of the council in the industrial sphere of this State.

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

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

Clause 1 is formal.

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

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

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

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

Clause 6 amends the schedule to the principal Act.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

EXPLOSIVES ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

As this matter has been dealt with in another place I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Explosives Act 1936 provides for the safe manufacture, carriage, storage and control of explosives. The Act authorises the making of regulations and provides for penalties up to a maximum of $200 for offences against the Act and $500 for breaches of the regulations. The proposed amendment will allow for a maximum penalty of $30 000 for an offence against the Act by a body corporate and $4 000 for a breach of the regulations.

The penalties provided for offences against the Act have undergone little change, apart from a conversion to decimal currency, since the Act was assented to in 1936. Penalties in other Acts addressing safety matters are set at a level that reflects the potential for injury to persons and damage to property associated with the activities they regulate. The penalties for offences against the Explosives Act should reflect the very high potential for injury to persons and damage to property associated with the transportation and keeping of explosives.

Increasing the fines in line with CPI is inappropriate, as is arbitrarily selecting a level that may seem adequate. A more valid approach is to set maximum fines in accordance with those accepted and operating under other Acts for similar offences. A comparison between the penalties under the Explosives Act and those under the Dangerous Substances Act 1979 reveals that fines for similar offences under the Dangerous Substances Act are of the order of 150 times greater for a body corporate and 20 times greater for an individual.

Many of the offences which incur heavy penalties under the Dangerous Substances Act are similar to offences under the Explosives Act. These include keeping without a licence, breaching a condition of a licence, transporting without a licence and hindering an inspector in the course of his duty. The level of penalty adopted in the Bill for these cases is similar to that under the Dangerous Substances Act.

Where offences are not of an equivalent type then the potential for harm and the seriousness of the offences have been assessed and the penalty set accordingly. The penalties have been expressed as divisional penalties, as listed in the Acts Interpretation Act, in accordance with current policy. I commend the Bill to honourable members.

Clause 1 is formal.

Clause 2 amends section 11 of the principal Act. Section 11 requires the owner of an explosives factory to make special rules, with the approval of the Minister, for the regulation of the employees of the factory in order to secure the observance of the Part of the Act relating to the manufacture of explosives and the safety of employees and the public. Clause 2 increases the maximum fine that can be imposed for a breach of those rules from $4 to a division 9 fine ($500).

Clause 3 amends section 12 of the principal Act, increasing the maximum penalty for the offence of manufacturing an explosive in an unauthorised place. The existing penalty of a $200 fine for each day of manufacture is replaced by a penalty of a division 6 fine ($4 000), division 1 imprisonment (1 year), or both (or a division 3 fine ($30 000) in the case of a corporation). Clause 26 then provides for a further penalty for each day of manufacture. The existing additional penalty of forfeiture of the explosives concerned is retained.

Clause 4 amends section 13 of the principal Act, increasing the maximum penalty for committing an act tending to cause fire or explosion in an explosives factory or failing to take due precaution to prevent accidents in, or unauthorised access to, such a factory. The existing $4 fine is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 5 amends section 16 of the principal Act, increasing the maximum penalty for carrying an explosive (other than a small amount of explosive carried in accordance with the regulations) from a $200 fine to a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 6 repeals section 18 of the principal Act, which makes it an offence (penalty $200) for a person wilfully to cause a carrier to commit an offence against the Act, and substitutes an equivalent provision with an increased maximum penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 7 amends section 19 of the principal Act, increasing the maximum penalty for carrying explosives without a licence from a $200 fine to a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 8 amends section 21 of the principal Act, increasing the maximum penalty for breach of the Act or of a magazine licence by the holder of the licence. The current $20 fine for each day the breach continues is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation), with provision in clause 26 for a further penalty for each day the breach continues. The existing additional penalties of forfeiture of the explosives involved and revocation of the licence are retained.

Clause 9 amends section 22 of the principal Act, increasing the maximum penalty for breach of the Act or of an explosives storage licence by the holder of that licence. The current $20 fine for each day the breach continues is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation), with provision in clause 26 for a further penalty for each day the breach continues. The existing additional penalty of revocation of the licence is retained and the possibility of forfeiture of the explosives concerned is added.

Clause 10 amends section 23 of the principal Act, increasing the maximum penalty for keeping explosives contrary to the section from a $200 fine to a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation). The present additional penalty of forfeiture of the explosives concerned is retained.

Clause 11 amends section 27 of the principal Act, increasing the maximum penalty for removing explosives from a

Government magazine without first paying inspection and testing fees from a $20 fine to a division 9 fine ($500).

Clause 12 amends section 28e of the principal Act, creating a maximum penalty of a division 8 fine ($1 000) or division 8 imprisonment (three months) for entering the Broad Creek explosives reserve without permission.

Clause 13 amends section 29 of the principal Act, increasing the maximum penalty for failure by the master of a ship that is carrying explosives to display a warning flag or light on a conspicuous part of the ship when the vessel is approaching a port or is within a port. The existing penalty of a $40 fine is replaced by a division 6 fine ($4 000).

Clause 14 amends section 31 of the principal Act, increasing the maximum penalty for bringing a ship that contains explosives into a prohibited area or contravening a condition of an authority to bring such a ship into a prohibited area. The existing fine of $200 for the master of the vessel is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both.

Clause 15 amends section 33 of the principal Act, creating a maximum penalty of a division 6 fine for failure by the master of a ship that is carrying explosives to give the prescribed notice of intention to land the explosives.

Clause 16 amends section 34 of the principal Act, creating a maximum penalty of a division 6 fine for discharging explosives from, or loading them into, a ship outside of the hours appointed by the Minister for that purpose. It also creates a maximum penalty of a division 6 fine for failing to convey explosives directly from a ship to the place appointed for landing them.

Clause 17 amends section 35 of the principal Act, increasing the maximum penalty for bringing a ship that contains explosives alongside a wharf without the authority of the Minister from a $200 fine for the master of the vessel to a division 6 fine, division 6 imprisonment, or both.

Clause 18 amends section 36 of the principal Act, increasing the maximum penalty for landing or shipping explosives in a port other than at the landing or shipping places appointed by the Minister for that purpose. The existing $200 fine is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 19 amends section 37 of the principal Act, increasing the maximum penalty for taking on board a ship large quantities of explosives within a prohibited area without the authority of the Minister. The existing fine of $200 for the master of the ship is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both.

Clause 20 amends section 38 of the principal Act, increasing the maximum penalty for failing to comply with the Minister's directions as to the times at which and manner in which vessels carrying large quantities of explosives may be navigated within a port. The current $200 fine for the master of the ship is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both.

Clause 21 amends section 39 of the principal Act, increasing the maximum penalty for conveying explosives on a boat that has not been approved by the chief inspector or does not have appropriate coverings. The current $20 fine is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 22 amends section 43 of the principal Act, increasing the maximum penalty for failing to facilitate any entry, inspection or examination that an inspector is authorised by the Act to conduct and for failing to facilitate the taking of samples or seizure or disposal of material in accordance with the Act. The existing fine of $40 is replaced by a division 6 fine.

Clause 23 repeals section 44 of the principal Act, which makes it an offence to hinder an inspector, interfere with a lawful exercise of power under the Act by an inspector, disobey a lawful direction of an inspector or refuse to answer an inquiry made by an inspector under the authority of the Act. It replaces section 44 with an equivalent provision which increases the maximum penalty from a fine of $40 to a division 6 fine and does not require questions to be answered if the answer would tend to incriminate the person asked. The additional penalty in the existing provision of revocation of licences is retained.

Clause 24 amends section 48 of the principal Act, increasing the maximum penalty for contravening a proclamation under the Act relating to the manufacture, keeping, conveyance or sale of explosives. The present fine of $200 is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation). The current additional penalty of forfeiture of any explosives concerned is retained.

Clause 25 amends section 50 of the principal Act, increasing the maximum penalty for trespassing in a magazine or explosives factory from a fine of $10 to a division 8 fine ($1 000) or division 8 imprisonment (three months). It also increases the maximum penalty for doing an act tending to cause an explosion or fire in or about a magazine or factory from a fine of $100 to a division 6 fine, division 6 imprisonment, or both.

Clause 26 inserts two new provisions, sections 51a and 51b. Section 51a provides that where a corporation is guilty of an offence against the Act, each member of the governing body of that corporation is also guilty of an offence against the Act (and liable to the same penalty as if the offence had been committed by a natural person) unless the member proves that he or she did not know and could not reasonably have been expected to have known of the commission of the offence, or exercised due diligence to prevent the commission of the offence. Section 51b provides that where an offence against the Act is committed by reason of a continuing act or omission an additional penalty of not more than one-fifth of the maximum penalty for that offence may be imposed for each day during which the act or omission continues. It also provides for a similar additional penalty if the act or omission continues after conviction for the offence.

Clause 27 amends section 52 of the principal Act, increasing the penalty that may be provided in regulations for breach of those regulations. The maximum fine that may be prescribed at present ($500) is increased to a division 6 fine.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

[*Sitting suspended from 5.43 until 7.45 p.m.*]

MARINE ENVIRONMENT PROTECTION BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 987.)

The Hon. M.B. CAMERON: The present Government has been in power for 20 of the past 25 years. Might I say that, during that time, we have seen an enormous amount of destruction of our marine environment through lack of action on the part of this Government. The present Gov-

ernment has been responsible for the greatest damage that has been done to our coastlines, our beaches and our fishing industry in the past 100 years. It has been responsible for a huge amount of environmental vandalism along our coastlines and our beautiful Adelaide beaches. It is ultimately responsible for almost certainly wrecking a major part of the seagrass population off our coastline. Through its failure to follow up in any way whatsoever for the past 20 years a 1966 report on the reuseable effluent at Bolivar, the Government has been responsible for the destruction of a very large area of mangroves and seagrass off Bolivar.

Similarly, at Port Adelaide an enormous amount of seagrass has been destroyed in what can only be described as an environmental disaster. I do not believe that there would have been a greater environmental disaster anywhere in Australia in that short term since 1976, when the sludge line was first put out to sea at Port Adelaide. The effect on the coastline, such as the Semaphore area right back to Henley Beach, is almost incapable of being assessed because, apart from relying on memories of people, it is difficult to know the total effect, but there is no doubt that there has been an enormous amount of destruction.

There is general agreement that there has been a very serious effect indeed from Glenelg to West Beach, where an area of at least 800 hectares of seagrass has been ruined by the Glenelg effluent disposal system, which goes into the sea 300 metres offshore through three pipes. A distance of 4.5 kilometres farther out, there is a sludge outfall, which again affects a very large area of ocean floor. Right back to Brighton the backwash of the tides containing effluent has destroyed the seagrass. There is a very widely held and probably justified suspicion that the destruction of the seagrass along the coastline at Glenelg-Henley Beach has been responsible for the loss of sand and the loss of beachfront along that area because of the strange effect that the seagrass has on wave actions on the beaches.

The beaches are dead. Even now, because of the dirty water off Glenelg, the Government is planning to bring fresh seawater into a new fishing experimental laboratory at the Marineland site and to do this they have to take the pipeline 3½ kilometres out to sea to get clean seawater. Can one comprehend—

An honourable member: Rubbish!

The Hon. M.B CAMERON: It is absolutely true. If the honourable member does not believe that, I suggest that he has some discussion with his own members; he will find it is absolutely true. It will cost at least $3 million to get fresh seawater of suitable quality for the experimental laboratory because the present water which is used forms a green slime inside the tanks and is not useable for the sort of experimentation that they have to do. If one goes to the present fish experimentation area, one will find that that is the case. The Hon. Mr Terry Roberts knows that that is so. I suggest that if honourable members discuss it with him they will find that I am absolutely right.

An honourable member: In Adelaide?

The Hon. M.B. CAMERON: In Adelaide. That, in itself, is an indictment of the Government.

An honourable member: All that happened between 1979 and 1982, though.

The Hon. M.B. CAMERON: Oh dear! The Patawalonga is an environmental disaster again. The only thing that this Government has achieved in the Patawolonga is to put up signs saying, 'Do not swim here.' That is the big achievement of the present Government in terms of a clean-up. People are told not to swim in it. That, again, gives some idea of what this Government has done. The Patawalonga is an environmental disaster, yet this Government, at the top end, where the Sturt Creek starts, tips effluent into it from the Heathfield effluent system. It has taken no steps to reuse that effluent from Heathfield in any way whatsoever. All the way down there are various sources of pollution, not the least of which is that there are no emergency pumps along the effluent system—the raw sewage system. If there is any blockage in the system, the stuff spills straight into the creeks of the Adelaide Hills as raw sewage. What used to be nice little pools of water running down through the creek system of the Adelaide Hills are now chock-a-block full of pollution, and nothing can live in them. If honourable members do not believe that, I suggest that they go up into the Adelaide Hills and look for themselves.

The Onkaparinga is a well-known and well-documented case. What has this Government done? Again, it has made a great step forward.

An honourable member interjecting:

The Hon. M.B. CAMERON: Yes, he has cleaned it up. Before the election he said, 'We are going to clean it up.' In May 1989, again like the Patawalonga, signs were put up saying, 'Do not swim here.' That is a huge achievement. The Government not only put the original sludge ponds in the bed of the Onkaparinga, but it has also actually put in some more in the past two or three years. It has done nothing about the effluent from the old Noarlunga township. It has done nothing at this stage about any of the stormwater going into the Onkaparinga. I suspect that the Seaford stormwater will go into the Onkaparinga and will be subjected to no treatment whatsoever.

I listened with great interest to what the Hon. Ms Laidlaw said about this Bill not dealing with stormwater. If it does not, then, again, we are heading for a further environmental disaster. Effluent is also pumped into the sea off Christies Beach. In fact, everywhere one looks this Government has treated the sea as a dumping ground. I hear criticism of the United Kingdom Government, but the South Australian Government has an awful lot to answer for.

Of course, we have the well-documented case of the Port River. I suggest that members opposite should listen very carefully to what I have to say in this matter. If they have any doubt at all about what I am saying, I would point out that there are some photographs in the small room opposite this Chamber which will clearly outline for those members who have no knowledge of this problem exactly what is occurring in the Port River. The Port River receives 40 megalitres of treated effluent a day. A third of the output of Bolivar goes straight into the Port River.

The Hon. R.R. Roberts: Rubbish!

The Hon. M.B. CAMERON: I beg your pardon?

The Hon. R.R. Roberts: It is rubbish.

The Hon. M.B. CAMERON: I am quite happy to argue this question if you wish. 170 megalitres of effluent per day is produced at Bolivar; 30 megalitres per day is used for irrigation; and 140 is the output of Bolivar to the sea; and 40 megalitres a day goes into the Port River. That is almost a third.

The Hon. R.R. Roberts: Not necessarily.

The Hon. M.B. CAMERON: I know that the honourable member may have some difficulty with mathematics, but that is a fact of life. We have that cleared up and I am sure the honourable member will now accept that. The Port River, because of the output of effluent—

The Hon. R.R. Roberts interjecting:

The Hon. M.B. CAMERON: I am quite happy. I have enough here to last two hours, if you like and it will all be new stuff; it will not be repetitive. So, the honourable member can ask me questions; it is very important that he be educated in this area, because the Government has kept

members opposite in the dark. Members opposite have been treated like mushrooms, just as the Opposition has been. I have managed to obtain some information on this matter. I am quite happy to stay here and talk on this issue until midnight, because it will be very educational.

The Hon. Anne Levy: As long as you don't yell.

The Hon. M.B. CAMERON: If the honourable member cannot stand it she can go outside. She does not need to stay here. The Port River is almost pure effluent in its upper reaches, that is, close to West Lakes, and in the event of an accident or breakdown at the Port Adelaide sewage works, West Lakes is a direct recipient, because there is a direct line from West Lakes straight into the Port River. I have a map from the E&WS Department which clearly outlines where this emergency pipeline goes: into West Lakes, not into the Port River. If there is any breakdown at all at the Port Adelaide sewage treatment plant, the untreated effluent goes straight into West Lakes. I am sure residents of West Lakes and Mr Hamilton, the member for that area, will be absolutely delighted to know that they are potential recipients of that. I seek leave to table that document.

Leave granted.

The Hon. M.B. CAMERON: Of course, members opposite may say it is treated effluent: that is like saying there is no problem. They know, or they should know, that there is a major problem even with treated effluent because the nutrient load is enormous and, of course, the heavy metal load is also very high, particularly in the sludge output, so if it is untreated effluent the heavy metal load is way above those standards set by the World Health Organisation. The Hon. Mr Elliott has already said something about that problem.

So, this Government is a bunch of environmental vandals of the worst order. What they have done to the coastline of our nation is something they will have to answer for to future generations. Worst of all, they have not been committed to doing anything about it until this Bill has been introduced in the House. They have had 20 of the last 25 years to do something about it, and they have done absolutely nothing.

I listened with great interest to the Minister when it was announced during the last election campaign that all effluent outfalls to the ocean would be stopped by the year 2000. She said about us, 'What are they talking about? We are going to do it by 1993.' Either she did not know what she was talking about or she was being deliberately dishonest, because she knows the present Government has only promised to end sludge outfalls going straight into the ocean by 1993. Effluent was not mentioned. A Government document titled, 'Strategy for Mitigation of Marine Pollution in South Australia' states:

> Themes of the strategies are the need for integrated and coordinated water resource management, including public involvement, control of pollution at its source, and the recognition of the resource value of sewage and stormwater. Emphasis is placed on reuse of wastewater where this is practical. However, discharge of high quality effluent to the sea is an acceptable, cost effective option where there is adequate dilution and dispersion in the receiving waters.

That means that this Government is quite happy to put water and effluent into the ocean. It does not give a damn about the impact, and I do not believe that anyone in Government has really thought about the impact even of treated effluent on our shores.

If they had, this document would never have been printed. Clearly, the Government is not willing to commit itself to a total reuse policy, which is what the Opposition did before this election. The Opposition said that it would stop all marine pollution by the year 2000, and the Government must be forced to do so. Members will note that I have two amendments on file. One is to stop Port Adelaide sludge.

Members interjecting:

The Hon. M.B. CAMERON: I wonder whether members opposite understand the difference between sludge and effluent. Perhaps for the sake of the record I should describe the two. Effluent is treated material from which the solid material has been removed, whereas sludge is the solid material mixed with some liquids: about 2 per cent solids and the remainder is liquid.

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: That is right. The sludge contains most of the heavy metal load of the effluent. One of my amendments on file is to stop Port Adelaide sludge being pumped in to the sea by 1 June this year. We have given the Government a little extra time because our policy before the election was to stop pumping the day after the election, and I will describe how we would have done that in a moment. There is absolutely no need to continue wrecking the ocean.

The second amendment will stop all sludge outfalls by the year 1993, conforming exactly with the promise made by the Government during the election campaign. We will attempt—as the Australian Democrats often claim—to keep the Government honest. I am certain that the Hon. Mr Elliott will assist us in keeping the Government honest. I intend to table a document from a Government report which the Minister attempted to hide from us and which clearly outlines the way the pipeline for sludge goes to Bolivar, instead of the present route straight into the sea. It shows that there is a route available to Bolivar, and that conforms exactly to my amendment.

We are committing the Government to no expenditure: all we are merely saying is, 'Don't use the ocean as a dumping ground and Bolivar as an emergency. Use the ocean as an emergency and Bolivar as the dumping ground.' The reason for that is clear: at Bolivar, sludge is dried and used as fertiliser, and it is not put into the sea. Therefore, I seek leave to table this report and I suggest that members opposite look at it.

Leave granted.

The Hon. M.B. CAMERON: These maps are from a Government document, the one that the Minister tried to deny the Hon. Mr Stefani and me when we asked for copies. The message back was: 'No, you cannot have it, it is a dreadful document, one that has to be kept under cover.' In this document, under the heading 'The Decommissioning of the Port Adelaide Sewage Treatment Works', several rather strange issues are raised, not the least of which is the claim that effluent quality is within goals set for discharge into inland watercourses as set by the World Health Organisation.

If the Government accepts that, it is saying that it has no concern about the Port River and what is happening in it. Secondly, the report suggests that 'sludge from the plant can be mechanically dewatered on site or piped to the Bolivar sewage treatment works if the present discharge to the sea is considered to be a serious significant environmental issue'. If this is not considered a serious significant environmental issue, I would like to know what is. This report was commissioned by the Government the year before last. In 1982 the Government was advised that this was a serious environmental issue, but nothing whatsoever has been done about it.

The Hon. T. Crothers: What happened in 1979, 1980 and 1981?

The Hon. M.B. CAMERON: The line was put to sea in 1976, and no monitoring of the sea bed was undertaken

until 1982, when some monitoring was done to see what was happening. To the horror of everyone, the impact was enormous.

There are three documents like this, dated between 1982 and 1985, giving details of what was discovered on the ocean floor. These documents have been hidden until now and the damage has been allowed to continue. Let me make this absolutely clear. When the Government first came into office in 1983, it was warned that damage was occurring. It had the report. Page 11 of the Port Adelaide asset management report states:

> With these thoughts in mind and the uncertainty as to whether the degradation in the vicinity of the outfall has stabilised, it is considered likely that an alternative method of digested sludge disposal from the Port Adelaide Sewerage Treatment Works will be imposed on the Engineering and Water Supply Department in the near future.

It should not have to be imposed. It should have been done in 1983 when the problem first became obvious. In hindsight, perhaps it should never have happened. Nevertheless, once the damage was identified, the Government should have learnt from it, yet it did not do a damn thing about it.

The best documentation of the impact of the Port Adelaide effluent is in the University of Adelaide news magazine of 23 February 1990. A person doing a doctorate of philosophy (Ms Jean Cowan) suggests that the Port Adelaide sewage effluent has been one of the primary problems that has caused the red tides in the Port River. It is not the only problem, but, nevertheless, it is the primary problem because it is at that point where the Port River system really starts. There is very little tidal flow. It relies on the water that is pumped into West Lakes for any dilution of the effluent that goes into the river just where the Old Port Road crosses at West Lakes. Ms Cowan suggests in her report that the Port Adelaide sewage effluent should be removed from the Port River. I could not agree more.

It appears to me that there has been an attempt to hide the fact that so much effluent goes into the Port River because the outlet has been placed right alongside the outlet from West Lakes into the Port River, and this is an area that will be the subject of development in the future. If one stopped at that outlet, one would not think that there is anything wrong because the pipe goes right into the outlet from West Lakes. The Port River system is extremely valuable to South Australians and should not be used as a effluent dumping ground. It is no wonder that so often we see a ban on fishing or the taking of shellfish in that area. In addition, with certain tides there is often a back flow from the Port River system into West Lakes if the gates jam.

This also puts effluent back into the West Lakes system, causing a ban on the taking of shellfish from West Lakes. All members should think about that. One of the many reasons given for the fact that the Port Adelaide Sewerage Treatment Works effluent cannot be taken to Bolivar is because the sewage itself is very saline. The reasons for this are detailed in the report on the Port Adelaide Sewerage Treatment Works. The main reason is that, to a very large extent, the sewerage pipes are down in the underground water system which is very saline in the Port Adelaide/West Lakes system and, because a lot of these pipes are old, there is continual leakage through the pipes that have broken down in the grouting. It is also believed that this appears to be the case, particularly in the West Lakes area.

The report states that it is not possible for the pipes to be regrouted because it is too expensive and not practicable. However, there is another hidden report. The Hon. Mr Stefani and I attempted to obtain the docket on it and were refused it. However, we did get a copy. There are still some willing people in the system who are prepared to be open and honest.

The Hon. R.R. Roberts: You mean thieves.

The Hon. M.B. CAMERON: No, people who believe in democracy and freedom of information (FOI). Now that the Government is committed to FOI, I hope that members opposite also believe in that. The docket I refer to is No. 1478/83. I am very cross that that document was refused to members of this Chamber by the Minister. I have often attempted to bring FOI into this Chamber, and the last time I asked for this information was after the Government said that it was committed to FOI.

The Hon. T. Crothers: Stick to sewage; you are better at that.

The Hon. M.B. CAMERON: The honourable member is one of the junior members of the House, and he would not recall that we have had arguments about FOI for a long period of time. The docket is headed 'Infiltration investigation in the catchment area of the Port Adelaide Sewage Treatment Works: Proposal to determine the strategy to deal with the ground water which is infiltrating the sewers in the catchment area of the Port Adelaide Sewage Treatment Works'. The background says that a large proportion of the sewers in the Port Adelaide Sewage Treatment Works catchment area are below ground water level and, consequently, are susceptible to infiltration. Further, the average age of the system is greater than that of any other catchment area in Adelaide, resulting in a system that is generally more in need of rehabilitation than any other system in Adelaide.

The docket goes on to indicate that an investigation has been conducted (using a model) of what happens in infiltration. The grouting was investigated and, looking at the cost factors, the conclusion was reached that the benefits exceeded the cost by quite a considerable amount of money. The conclusion at the completion of this investigation was as follows:

> Rehabilitation of the sewers investigated in this infiltration study has been shown as a cost effective strategy. Infiltration of a number of sewage catchment areas in West Lakes is also likely to be cost effective.

As a result of the investigation the following recommendations were made. First, that the grouting program that is currently operating in the West Lakes area should continue. Secondly, that funds should be allocated for the dig-ups. Thirdly, that additional investigation work should be carried out in catchment areas in which rehabilitation appears cost effective. This investigation work will provide a cost saving to the department, increase information regarding the sewage asset and optimise the effect of the grouting program.

I understand that if the infiltration into the Port Adelaide Sewage Treatment Works was stopped by a full-scale grouting program, there would be cost savings overall because a third less sewage would need to be treated. The impact of this on the cost of running the treatment works is very obvious. It would mean that the effluent was raised to a quality where it could be transported via pipelines to Bolivar. There would be no need for it to be put into the Port River system. It could be taken straight to Bolivar.

The Hon. G. Weatherill interjecting:

The Hon. M.B. CAMERON: I will tell the honourable member in a minute what should happen to it when it gets to Bolivar; just be patient. I do not like being diverted, Mr President, but I do worry about the backbenchers on the Government side. I was a backbencher on the Government side and I understand that Governments do not tell the backbench what is happening. Governments do not try to educate the backbench. I am very sad that members opposite do not have the knowledge they should have as mem-

bers of the Government, because the Government does not tell them anything. I understand that. They have my total sympathy. I have been there and done that. Backbenchers opposite need to set up some decent committees so that they are properly educated and know what is happening in Government.

The PRESIDENT: Order! The honourable member had better return to the Bill.

The Hon. M.B. CAMERON: Secondly, the effluent would be of a quality whereby it could be reused. It could be used in a manner that I will describe when I talk about the Bolivar Sewage Treatment Works. So, it is fairly clear to me that there has been an attempt, because of the refusal to give any information—despite two very specific requests from the Hon. Mr Stefani and me—to cover up the fact that the Port Adelaide Sewage Treatment Works is, and will continue to be, a problem until the Government decides that it will have to do something to save the Port River from the effects of the effluent that is being pumped into it.

It is an absolute disgrace that we are continuing to ruin the Port River. If anyone wants to know exactly what it looks like, in the room opposite this Chamber I have a series of photographs and the Hon. Mr Stefani can take members opposite out there and show them. That series of photographs clearly details the impact of effluent on the Port River and they are worth looking at. The difference between where West Lakes finishes and where the Port River starts, adjacent to Old Port Road, is absolutely startling.

I suggest that honourable members take the trouble to go and have a look. The second matter in relation to the Port Adelaide treatment works is probably more important than even the effluent, and that is the sludge disposal system used at Port Adelaide. I have described sludge previously. It is a black material and, for obvious reasons, it is horrific to look at. It contains the majority of the heavy metals that are in the original effluent and its impact on the environment at Port Adelaide has been absolutely horrific.

I am extremely angry, as all people in South Australia should be, that the Government, despite constant warnings since 1982 about the impact of sludge on the marine environment and on the seagrasses at Port Adelaide, has continued to allow this material to be pumped 3½ kilometres out to sea. In the process it has destroyed an estimated 1 900 hectares of invaluable seagrass which, of course, is a very basic part of the fishing industry off the coast of Port Adelaide and the Gulf St Vincent. The area that has been wrecked is 6½ kilometres long and about one kilometre wide. A large proportion of that now has no seagrass left at all—it is a dead bottom—and other areas are in a very poor and sorry state. The reason I am so angry is that there is available, and has been all along, an alternative to disposal at sea. That has been the case certainly since 1982 when the first warnings were given, because from time to time the Government has used the alternative pipeline (details of which I have tabled) to take the sludge to Bolivar where it is dried and used as fertiliser.

The Hon. T. Crothers: Heavy metals and all.

The Hon. M.B. CAMERON: I assume that the people who use it as fertiliser understand the impact of heavy metal, otherwise it would not be used. It is certainly better to have it on land. If the Hon. Mr Crothers thinks it is better to put it to sea than to have it on land where at least it is under control, he is one of the environmental vandals that I described earlier. It is very sad indeed to see the Hon. Mr Crothers come into this debate in such a way, because I have some respect for him. I am quite certain that, being an intelligent man, he does not really believe what he is saying and that he is simply attempting to create some interest in the Chamber.

The Hon. G. Weatherill: He wouldn't do that.

The Hon. M.B. CAMERON: I know that he wouldn't. He is a very sensible man. He would not do it if he were the Minister—he would have stopped it. I think I can best highlight this alternative by referring members to page 26 of the Port Adelaide Sewage Treatment Works document that I tabled in the Council last week. This is the document that the Government was not prepared to let us have, and I can understand why when I read it. It states:

> The digested sludge to sea pumps were replaced with Hidrostal pumps in 1982 and the system as a whole is in good condition.

Members should listen to this very carefully:

> If failure does occur along the digested sludge to sea line, an alternate emergency main is available to transfer sludge from the Port Adelaide Sewage Treatment Works to the Bolivar Sewage Treatment Works.

Why should the sea be the main recipient of this material and the alternative pipeline be used as an emergency? The document proceeds to detail that particular pipeline and I have already tabled a map showing where that pipeline runs. The document continues:

> This mechanism of sludge disposal has been used intermittently since its availability in 1978, the most recent occasion being for the transfer of raw sludge from the Port Adelaide Sewage Treatment Works to the Bolivar Sewage Treatment Works in October 1986.

I am informed that, when that occurred in 1986, it went on for three months. It did not go on for just a day—it was not an emergency—it went on for three months. When that sludge in the effluent reached the Bolivar Treatment Works, it made absolutely no difference—it had no impact; they hardly noticed it. So, there is no need to put this material out to sea. It has just become a bad habit of this Government, which does not give a damn about the Port Adelaide area. I understand that this was done as a test and, as I say, it was done for months at a time. In fact, the sludge joins in the main effluent flow at Bolivar and then is extracted out with the rest of the sewage.

Why on earth the Government, knowing that it had this line available, has allowed the sludge to be continued to be pumped at sea after the warnings that have been given about its impact on the marine environment is beyond me. It is the height of hypocrisy for this Government to criticise any body or organisation about the impact that their discharges may have on the marine environment when the Government itself has had the opportunity to stop this damage and set an example but has allowed it to continue. This is environmental vandalism of the worst order and this Government stands condemned for allowing it to happen. We must give the marine environment a chance to recover. Goodness knows how long this will take—nobody knows. It probably took thousands of years to develop these coastal seagrasses and it may take them 50 to 100 years to recover from the damage that has been done. Until we stop pumping out this material and do something about it, the damage will continue to rise and the impact on the Port Adelaide region will continue to be a problem. Following a heavy gale, some of the sludge actually reaches the shore.

If members opposite had ever been out there, I am sure they would be as concerned as I am that this material is going out to sea. The Hon. Mr Stefani and I went out by boat through the middle of it while it was being pumped. The smell was unbelievable. We motored through a six kilometre long slick of black material which had risen to the surface. The Hon. Mr Dunn has told me that he flies over this area quite often on his way to Adelaide.

An honourable member interjecting:

The Hon. M.B. CAMERON: I would not fish there. In fact, the Hon. Mr Dunn has heard pilots reporting an oil spill off Port Adelaide. The air traffic controllers have become used to this and they say, 'No, no, that is the Government pumping sludge into the ocean again.' This has had a dramatic impact on the local fishing area.

The Hon. R.R. Roberts: Do you need an extension of time?

The Hon. M.B. CAMERON: No, I have another hour or two to go. In amongst it all, the heavy metals that are being pumped into the sea are beyond comprehension. Later, I will give members opposite some details in respect of the heavy metals that are pumped into this sludge each year. I hope that members opposite will support my amendment to stop, from 1 June, sludge being pumped into the sea off Port Adelaide to ensure that this vandalism of our marine environment stops immediately. This can be done, and I have detailed how it can be stopped.

If the line is too old, which is the normal excuse that engineers come up with or, if the Government is apprehensive about the future of the line, it should be used for the time being, as has been done in the past. Then, for a relatively low cost of $2 to $2.5 million, a new line can be constructed from the Port Adelaide Treatment Works to join in to the Bolivar line. This work should be commenced as soon as possible because the Government cannot continue in this way. However, in the meantime, this alternative is available and should be used. There is no reason for it not to be used. While waiting for the new line to be constructed the ocean should be used only in an absolute emergency as a means of disposal. There should be no further deliberate use of the ocean for the disposal of sludge.

The Hon. G. Weatherill: So, it is pumped out to Bolivar. Where does it go then?

The Hon. M.B. CAMERON: I give up. I thought I had given some detail about this process. What happens is that the sludge is put into the line with the raw sewage from the rest of the metropolitan area. It goes down the line with the rest of the raw sewage, it is sieved, extracted again at no additional cost—and it made no impact when this was last done—and it is then dried in drying ponds and eventually used as fertiliser. It does not go into the ocean: it serves a useful purpose. Does the honourable member understand that?

The Hon. G. Weatherill interjecting:

The Hon. M.B. CAMERON: I will ask the Hon. Mr Stefani to bring to the honourable member a report of the Port Adelaide Sewage Treatment Works Asset Management Plan.

The Hon. J.F. Stefani: There is one in the Library.

The Hon. M.B. CAMERON: Yes. If the honourable member prefers, I will have a discussion with him afterwards, since he needs some education. I do not expect the honourable member to be an expert straight away: I am sure that after he has been here for a few years he will catch up with a few matters and start to do his homework. Secondly, as soon as possible we should hear from the Government that it is setting about the rectification of the problems of the infiltration of salt water into the Port Adelaide Sewage Works so that that material does not need to be pumped into the Port River any more and, as soon as possible, it should be taken to Bolivar to take it out of this very valuable marine environment right alongside the city.

I cannot believe that any honourable member opposite would want treated effluent at the rate of 40 or 50 megalitres a day to be pumped into the Port River. Members only have to go down there to see the impact. They need to go from one side of the road (in West Lakes) to the other side (at the Port River) and look at the difference. Blind Freddy could see the difference! I recall distinctly, when the Liberal Party announced that, as a Government, it would stop effluent overflows into the ocean by the year 2000, hearing the Minister for Environment and Planning and the E&WS Department say, 'What are they talking about? We are going to do it by 1993.'

The Minister either quite deliberately was dishonest, since she knew that the Government had no intention of stopping effluent disposal by 1993, or she did not understand the difference between sludge and effluent.

An honourable member: It could have been both.

The Hon. M.B. CAMERON: Yes, because she was reported in the newspapers—not on radio, since she swamped radio by saying that she would stop it by 1993—as saying that the Government would stop sludge disposal by 1993. I will help the Minister with that by making an amendment to this very important Bill to stop sludge disposal to sea by 1993. I am sure that the Government will have no problem in supporting that move, since it fits in with Government policy.

The Hon. J.F. Stefani interjecting:

The Hon. M.B. CAMERON: No, but this will be policy. I am rather concerned that the Bill provides that the Minister makes all the decisions; the Minister issues licences and is the final arbiter. Therefore, I want this provision inserted in the Bill, because I do not want the Minister to be the arbiter on future material from the E&WS Department. I just do not trust the Government to fulfil its promises, so let us put it in the Bill.

I believe that it is essential that this Chamber should put in a discipline, and that this discipline should be the same as announced by the Government itself—that sludge will not be disposed of in the ocean by 1993. This includes Glenelg which, again, is a very serious problem, and I will go into that in a little more detail later.

Before this Bill is passed I should like the Government to provide this Council with dockets which detail problems with the Port Adelaide Sewage Treatment Works as outlined at the back of the document entitled 'The Port Adelaide Sewage Treatment Works Asset Management Plan'. That is the very document the Hon. Mr Stefani and I asked for. I am sure that the Democrats will support this. I want these dockets brought into this Chamber before the Bill passes so that we may look at them to see whether any other matters are hidden in Government files. To help the Government, I will detail these dockets: Docket 2303/77, Pumping Sludge to Bolivar Treatment Works via Queensbury and Acton (that is Port Adelaide); docket 73/87, Metropolitan Sewage Treatment Works Sludge Disposal; docket 1949/82, Sewerage Grouting Program; and docket 260/88, Condition of Major Pipework.

Members who are not aware of the various documents that are available in our library on the sludge outfall from the Port Adelaide Sewage Treatment Works should read the E&WS library reference 87/28, which is a final report from the E&WS Department of the effects of sludge on the adjacent marine environment. This is a very alarming document. It indicates that in December 1981, 30 hectares of seagrass had been lost around the sludge outfalls. The report on the future of the Port Adelaide Sewage Treatment Works states:

> There is no practical reason for decommissioning of the plant.

I found this an extraordinary statement in view of the effect of this plant on the Port River alone. If it is to be continued, some other disposal system has to be found for the effluent.

The Port River is very contained and, as I have said before, it has very little tidal inflow and outflow.

The Hon. G. Weatherill: It is when it is pumped out.

The Hon. M.B. CAMERON: It goes to the lowest common denominator, which is what is pumped in at this end. I am sure that the honourable member knows the Port River. The Port River does not have the River Murray running into it. All it has running into it is the effluent disposal, which is 40 megalitres a day, and then, of course, the West Lakes area disposal, which comes in through West Lakes and goes out through the tidal gates. I think the honourable member ought to go down and have a look at the area. In fact I will take him down there in the next week or two to have a look. It is quite an interesting subject; the disposal of effluent is a fascinating subject.

Members interjecting:

The Hon. M.B. CAMERON: We have not travelled very far along the coastline yet. I think it might be as well if members left me alone a little. Let me go to Bolivar. Bolivar is the major source of primary and secondary treated effluent in South Australia.

The Hon. R.R. Roberts: You can go through the pipe if you like.

The Hon. M.B. CAMERON: I wouldn't want to meet you at the other end. It is the largest effluent treatment works in South Australia. As I said earlier, it produces about 170 megalitres of treated effluent a day. Of that, 48 megalitres is allocated to market gardens, but averaged over the whole year only 25 megalitres are taken each day. Therefore, 120 megalitres goes to the sea each and every day of the year. That is the best way to get rid of effluent—like fun—for it should be put to a useful purpose. That already happens in Victoria at Werribee. I was at Werribee last week for the particular purpose of observing the disposal of effluent on land. I actually went to the trouble of travelling to Werribee to have a look around. Might I suggest to members that a trip to the Werribee disposal farm is well worth while.

When the Opposition raised this matter of disposal on land of the Bolivar water during the election campaign, it seemed to me that the Government and others were only interested in knocking what we said. It did not seem to me that they were terribly keen about the whole idea. They seemed always to be looking for arguments against it. One of the many arguments put by people who purport to be experts in that area was that the land that we had chosen was unsuitable. In fact a map is available of that land from a 1966 report, indicating that the area we had chosen, that is, Buckland Park, is composed of sandy soil with a water table at nine feet and it extends out into salt areas. That is exactly the same as the area already operating at Loxton. It is an absolutely perfect area for the woodlotting proposal that we put forward.

I wonder how long it will be before the Government takes up that issue seriously, instead of having a very small allotment along-side the Bolivar works. I suspect—and I hope I am wrong—that this Bill is just window dressing. I wonder whether this is just another pie in the sky start to a scheme that will never go ahead. The Government needs to get serious because every day, every month and every year that it delays the problem of effluent from Bolivar grows. The damage to the breathing apparatus of mangroves through their aerial roots continues. They are now being absolutely smothered with foam, as the Hon. Mr Dunn will confirm because he flies over the area and has seen what has happened. The loss of seagrass in this area will continue. It is estimated—

Members interjecting:

The Hon. M.B. CAMERON: Members may laugh, but it is very difficult—

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.B. CAMERON: —to observe the damage unless one is up in the air. It is very difficult to sit on the ocean and see it, because these areas are virtually impenetrable from the land. Members may laugh at that, but that is really the only way one can observe the damage. It is estimated that 4 000 hectares of land would be required to use almost the total effluent that goes out to sea at Bolivar. The area can be extended, with some being kept partly dry in the summer in order to soak up the amount of winter effluent. That is what occurs at Loxton where the soil is used as a tank. The soil is allowed to dry out during the summer, and used again during the winter. It is filled up with the effluent, which is used by the trees. Effluent can be turned into money.

Effluent is a very valuable resource which should not be wasted in the ocean. It should not be destroying our coastline and marine environment; it should be returning something to the people of South Australia. It can be used and it should be used; the Government should get serious about it. If the Government sits back and pretends that there is not a problem or that it is doing something about it, it will be very unfortunate for both the fishing industry and the coastline of South Australia. I took the trouble to go to Loxton, where an allotment of trees is already growing in effluent and that effluent is now totally used by the woodlot.

The Hon. R.R. Roberts interjecting:

The Hon. M.B. CAMERON: Have you been there?

The Hon. R.R. Roberts: I think you were up there on a wine buying trip.

The Hon. M.B. CAMERON: That, too. I do not know whether the honourable member has been there but, if he has not, I suggest that, because he is showing a very keen interest in this whole issue, he takes the trouble to go up there. I really think it would be useful for every member of Parliament to go up there and observe what is happening. The growth of the trees is amazing and the way in which the effluent from the industries and other sources in the Loxton area has been used totally is also amazing. What were previously effluent ponds in that area are now totally dry; nothing goes into them. From time to time they are used to store slight amounts of overflow, but basically they are dry. There is no longer any drying of effluent in the atmosphere. It is all used on trees and those trees will be a very valuable resource indeed for the people of that district. Virtually no-one is required to run it, because it is all computerised and all run on drippers; it really works. Again, I suggest that the Government go up there and look at the system.

I suggest that instead of sitting around conducting little experiments, the Government go to Loxton and observe what is happening, but it should not send engineers, because almost inevitably they prefer engineering solutions. It was the Liberal Party's intention, if it succeeded in the last election, (and goodness know why we did not, because we got 52 per cent of the vote) to move rapidly to total reuse of effluent and the Government should take up the challenge, because our policy was a very worthwhile and sensible one.

The other area where members can observe the use of effluent and the growing of trees is around Alice Springs where for some time effluent has been reused and it is working very well indeed. That also occurs in several places in Victoria, including Shepparton. I suggest to members that they take the trouble to observe it. It would be most

unfortunate if the Government did not take up the challenge. The seagrass and the mangroves are an important nursery area for our king prawns, King George whiting and many other marine species. It has to be protected from the ravages of effluents and, in this case, from the ravages of the present Government's failure to act.

Effluent water from Bolivar, like all effluent, is very high in oxidised nitrogen, ammonia and organic compounds. Levels of phosporus are very high, and all this is valuable for tree growth. It is not valuable for sea growth. It has the opposite effect, so what we need to do is to turn the effluent back towards the land into woodlots or into irrigation. Of course, it is up to the people in the district to take up the challenge to use more of the effluent in irrigated areas away from the treelots. People were saying, 'It is our water and we should be using it on irrigation.' As far as I am concerned, if people want to use it on irrigation, that is fine: but, if they do not use it, it should not be put to sea while we are waiting for them to use it. Something urgently must be done with it. I understand that the cost of the water is much less than the cost of water through the E&WS pipe system, so, for the life of me, I cannot understand why more people do not use it.

Alice Springs, as I said, is an area where this has happened. It has been calculated there that the annual timber output from woodlots will exceed 20 cubic metres of wood per hectare as the plantations mature. This is 10 tonnes of dried wood per hectare per year with a rotation time of seven years. That is an enormous amount of wood and a very valuable resource for a State which is very short of firewood, very short of material for paper mills and very short of timber generally. I know that immediately everyone will jump up and down and say that wood burning is bad for the atmosphere. In fact, I think that the Government had some of its stooges rushing around during the election saying, 'They will put all this pollution into the atmosphere.' But, in fact, trees use carbon dioxide and produce oxygen. They are basically carbon dioxide neutral.

Of course, the timber can also be used for railway sleepers, and the effluent can be used for growing specialised woodlots, fine hardwoods can be grown, and we can possibly get away from the use of native timbers, and I am sure all of us would support that. This has all been detailed in submissions to the Government. Of course, stockfeed can be grown on the areas which are not suitable for woodlotting.

In 1966 there was a very thorough committee of inquiry into the utilisation of effluent from the Bolivar Sewage Treatment Works. One of the conclusions in the findings of this committee was that possibly the biggest disappointment to the committee had been its inability to suggest ways in which the relatively large volumes of the better quality of winter flows can be used. The committee said that it felt certain, however, that these winter flows must ultimately be utilised and that this presents a challenge for the future.

The committee obviously did not understand that we would have Governments that just ignored the problems. That was 1966 and it is now 1990, and absolutely nothing has happened since then. At that time—and I will detail this later—maps were drawn of where the reticulation pipes would go. Everything was done, but nothing has occurred. It appears to me that the Government said, 'It is all too hard. Let us not worry about it. Let us just keep pumping it into the sea and wreck the coastline.' The committee pointed to the example of the Werribee sewage farm in Melbourne where 60 million gallons of sewage was used to irrigate 11 000 acres of pasture and raise 19 000 head of cattle. That is still occurring.

The committee also mentioned that it came to this conclusion, and I think it is important to record this in *Hansard* because it was 24 years ago:

> Finally, the committee expresses concern that it is unable to recommend an economic avenue for utilisation of large wet weather flows from the works at the present time. By 1991—

this is going back to 1966—

> the flow from the Bolivar Sewage Treatment Works is estimated to be 15 million gallons per year while the irrigation possible herein could utilise only 5 060 million gallons per year. However, within a reasonably short span of years this problem of water supplies to this State will justify the pumping or storage of the higher quality effluent flows and the subsequent reuse of the stored water for irrigation and stock or its treatment and reuse to supplement domestic water supplies.
>
> Whatever the future holds, the committee does not believe that this valuable water can be thrown away by the driest State in the driest continent of the world. The possible reclamation and reuse of this water is therefore the challenge which will face Australia's engineers, scientists and administrators in the future.

These people said that in 1966. And what have we got? Absolutely nothing! We have got nowhere since then. This report has just been ignored. The report was very forward looking for its day and laid down a blueprint for the future, the most important of which was the conclusion that we could not go on wasting this very valuable resource by putting it in the ocean. That was 1966, and 24 years later we have got absolutely nowhere. We have limited use of effluent for irrigation purposes, but the majority of the effluent still flows to sea and still wrecks the gulf—a major breeding ground for our fishing industry.

The report details the pipelines into the area of Buckland Park and shows the area that was outlined in the Liberal Party's policy on forest use of effluent as being perfectly suitable for the purpose which we outlined at that time. I was amused when we made that announcement. First of all the Government appeared to want to say, 'Oh well, we were going to do that anyway,' and then they found every man and his dog jump up and down publicly to find every possible problem with what we were saying. That was a shame, because it was an opportunity for the Government to accept what we were saying and to join in with the promotion during the campaign. They did not raise the matter apart from in one very minor way.

I have available for members, if they would like to look at it, a detailed map of the trunk mains and reticulation arising from that report which shows that trunks and reticulation pipes were planned into the Books Estate, that is, Buckland Park. All the necessary planning had been done for that area to be used for the purpose of setting a tree lotting project in the area of Buckland Park. There is also a map detailing a layout of the drainage channels that would be required for straight irrigation, but of course in the case of using this area for the purpose of growing trees the drains will not be required because the trees draw water from up to 10 to 12 feet and drains are totally unnecessary. Trees reduce the level of the underground water basin, and that is one of the great advantages that they have.

All the necessary test bores have been carried out and there is also a map showing salinity zones, which of course are relatively important in the early stages. However, in the later stages the forest was established, and, of course, the whole purpose of the forest is to reduce the watertable. I suspect that if a tree lotting project is put in the areas now known as Salt Creek between Gawler River and the Light River, one will see the salt retreat and the underground watertable replenished to a fresh level; then the area will gradually become a forest further and further out from the original plantings.

It is all a matter of whether or not the Government is dinkum, whether it is prepared to have a go, whether it is

prepared to have a genuine look at the Loxton experiment and whether it is prepared to send people other than engineers to have a look at it.

One of the great problems of the E&WS Department is people with engineers (I am not saying all but a lot who have some influence), whose whole purpose in life is to make pipes and pump effluent and to set up tertiary treatment plants. It will be scandalous if the Government spends money on a tertiary treatment plan when this other option is available, because tertiary treatment still will not solve the problems and will cost enormous sums of money, and with that money this sort of project, which would return something to the taxpayers, could be set up. We could become unique and pioneering in the world by setting about the total re-use of effluent on the production of new forest areas in South Australia.

Let me now say a little about Glenelg. It is a shameful part of the present Government's misuse of our shore lines that they have continued to pump effluent out at Glenelg in the quantities of 40 to 50 megalitres a day when there is available a pipeline reticulation system that was put there specifically in 1972 to reticulate effluent to areas where it could be used. It was designed to take away 90 per cent of the effluent and put it into areas where it could be used for irrigation purposes. I seek leave to table a copy of the document, which shows where the pipelines now exist.

Leave granted.

The Hon. M.B. CAMERON: That pipeline system was put in years ago, and 90 per cent of the effluent was allocated to various bodies such as the airport authority golf courses, and the West Lakes Trust. But, only 8 per cent to 9 per cent is used. Why? Is it because there has never been any genuine attempt on the part of the Government to ensure that those people to whom the effluent is allocated use it. Whenever the question has been asked in the past, the answer has always been, 'Ah yes, but it is all allocated.' It may be.

However, I suggest that members go to Glenelg and go offshore in a boat about 300 metes towards the Marineland site out of the Patawalonga and look at what comes up. The former Leader of the Opposition (Mr Olsen) and I did that, and the situation is an absolute disgrace. There was even toilet paper issuing forth on the surface of the sea from three huge pipes bubbling like volcanoes out of the sea, and they do it 24 hours day. And this is within 300 metres of the Glenelg beach!

Members wonder why Glenelg beach looks dead and uninteresting these days and why we have damage along the foreshore. It is now fairly well accepted fact that, because of the nutrients in the effluent, there is no seagrass along the foreshore, yet the seagrass used to have a dramatic effect on the wave action hitting the shore line, as I said earlier. Now that there is this effect, we have 800 hectares of shore line absolutely devoid of sea grass along the bottom and the beach sand is rapidly disappearing.

On top of that, as I said, we now have before the Public Works Standing Committee a proposal to build a pipeline 3.5 kilometres offshore, at a suspected cost of $3.5 million or $4 million, in order to obtain fresh water. Can the Council believe that the Government would do that and not set about trying to clean up the inshore water? If this is not an indication of the problems that we are creating in this area, I would like to know what is.

The other problem in this area is the Patawalonga. Also at Glenelg is a pipeline that takes sludge 4 kilometres out to sea, but that pipeline is in very poor condition. It is described in the Glenelg Asset Management Plan, which is a very recent report, as being in very bad condition, having a high risk of failure. That asset management plan indicates that, if the pipeline fails, there will be serious environmental effects on Glenelg beaches. One can imagine that virtually raw sewage will be pumped directly onto the Glenelg foreshore. It will wreck the Glenelg beaches and will cause a serious problem for the tourism industry at Glenelg. The smell will be horrific, yet this Government has been warned constantly about this problem and has done nothing about it, and it is now saying that it will do something by 1993. Why was nothing done in 1983, when the pipeline blocked up and was virtually unuseable? Why was something not done years ago? It is because this Government has not had the common sense to ensure that this damage about which it had been warned was stopped.

Now, the Government in order to get rid of the sludge, has to put a dewatering plant on site or build a pipeline along the foreshore to the Port Adelaide works to join the pipeline to Bolivar. Those are the only two options available. A pipeline along the foreshore will be expensive but, in the end, it may be the best option. It will not be necessary to take the majority of the effluent away from Glenelg, because it is believed there are sufficient areas around Glenelg to use the effluent, provided that the Government forces the organisations to which the water is allocated to actually use it. I refer to areas not only at Glenelg but elsewhere: I understand that Morphettville racecourse will be happy to use it. The effluent could be used along the Torrens River area or at Henley Beach.

The Hon. R.R. Roberts interjecting:

The Hon. M.B. CAMERON: The honourable member does not understand effluent; otherwise he would not say that the Henley Beach council is also interested in using it in recreational areas. Anything would be better than putting it into the ocean. The Government may also say that no money is available. Let me point out that in the region it has wasted sufficient money at Marineland alone to undertake all the projects that I have described. The Government has had the money and, if it had been a little wiser and not squandered money in a pie in the sky project that it destroyed through its own decisions, funds would be available.

The people of Glenelg and along our foreshores do not deserve this Government. The Patawalonga problems, with the Heathfield effluent which goes straight into the Sturt Creek, are well documented. That also can be stopped. A forest project could be set up in the Hills because there is sufficient area to do so. Abandoned quarries can be used for the growing of trees and there are dumps where the effluent could be used on tree lots. There are plenty of areas, provided the Government is dinkum and wants to do something about it. What we must stop is the sort of nutrient-laden material that goes down the rivers and creek systems and causes problems at the other end. Such pollutants caused the 'Don't Swim Here—Danger' signs to be put up last year on the Patawalonga and the Onkaparinga by this Government.

That has been the Government's only action so far, to ensure that people do not use those rivers for recreation and so place themselves at risk. The Onkaparinga is the only recreational river with an outlet to the sea. What has the Government done to restore the Onkaparinga? In its time in office it has placed sludge drying ponds in the middle of the estuary and, when warnings were issued about it, it merely doubled the size of them by building more sludge ponds two years ago. I note that the Federal Minister (Senator Richardson) said that the Federal Government would provide whatever funds were needed to clean up the Onkaparinga. I hope that the State Government has set

about providing him with the bill, in effect, for winning the seat of Kingston.

The first issue is to shift the sludge ponds out of that estuary. That should be commenced immediately and the bill sent to the Federal Government because Senator Richardson said that he would pay for it. That was part of winning the seat of Kingston and will cost over $3 million. That is the first item on the bill. Secondly, Old Noarlunga township needs to be put on a common effluent system. That bill will be $1.5 million to $2 million and should be commenced forthwith so that raw effluent does not flow into the Onkaparinga. That Bill should be sent to the Federal Government. Thirdly, additional water should be pumped to Mount Bold to provide periodic flushings down the Onkaparinga to freshen up the water.

Fourthly, if the proposed new development in the Seaford area goes ahead, the stormwater must not go untreated into the Onkaparinga. I note that there are plans for some holding ponds to provide some treatment of the stormwater. If that happens, I would want to be reassured that, when the stormwater goes into the Onkaparinga, it is of suitable quality. I was disturbed to hear the Hon. Ms Laidlaw state that stormwater is not covered under this Bill. If that is the case, it is a matter of some concern.

The Government should set about taking whatever action is required to ensure that the pollution danger signs are removed as soon as possible from the Onkaparinga and the Patawalonga. It is an absolute disgrace that the only action taken by the Government has been to increase the potential for pollution through additional sludge ponds. Its only positive action regarding the Patawalonga has been a number of committees of inquiry. With the expertise now available in South Australia, which is unique to this State, we should be able to stop all effluent going into the sea as soon as possible, and certainly by the turn of the century. If we do not set out with that as a project, we will fail future generations.

The Government has already failed the present generation and future generations with its total lack of action. It appears to have an intense dislike of our beaches, or it merely does not give a damn. It has been irresponsible in its lack of action on the matter of sea pollution. It has allowed enormous damage to occur and has continued to ignore warnings in the case of Port Adelaide since 1982. It has continued to vandalise our beaches, our coast and our fishing industry. It has a lot to answer for.

At the last election, the Government put forward what I believe were dishonest public statements, such as that action would be taken by 1993. Its policy document did not say that: it said that effluent will continue to be discharged into the sea. Its policy must change and, in the meantime, the very least this Parliament can do is support two amendments that I have on file. The first is to stop all sludge going into the sea at Port Adelaide, except in the case of emergency, through an existing pipeline from 1 June this year. If the Government was really serious, it could stop tomorrow. The second amendment seeks to stop all sludge going into the sea from any sewerage outlet in South Australia by 1993, and that will conform with the Government's promise at the last election.

The degradation of seagrass in the Port Adelaide area is very serious. On top of all that, with all the other effluent outfalls (including Bolivar, Port Adelaide, Glenelg and Christies Beach), the total area of wrecked seagrass in South Australia is conservatively estimated to be about 6 000 hectares. This is estimated to be about 10 per cent of the total seagrass of St Vincent Gulf—an area that is absolutely essential to our fishing industry.

There are other areas of pollution in the sea around South Australia. I am sure that this Bill will assist the beginning of the end in relation to pollution being dumped in the sea by organisations other than Government. It is somewhat hypocritical of the Government to be too critical of other users when the Government itself has been probably the greatest abuser of our sea areas.

One of the greatest concerns about the disposal of sludge at sea is the amount of heavy metal that goes into the sea. If one compares the heavy metal in St Vincent Gulf with that in other oceans of the world one will see that the heavy metal content of the gulf is very high. Using the Government's own figure of acceptable loads to go into the sea, of 5 micrograms per litre, one sees that the cadmium load at Port Adelaide on average is 61.8 micrograms—over 10 times the acceptable load. The chromium situation is similar, and for mercury the load is 3 micrograms. Yet, the Government's own document states that 'no reading is to exceed this value'. The maximum readings between 1984 and 1988 were 4.59 micrograms above the Government's figure of an acceptable load in relation to two of the most serious heavy metals going into the sea.

That is a very serious matter which I am sure will lead to Government members supporting my amendment, at least in the case of Port Adelaide. I support the Bill. I trust that we will be able to amend it. I express my disappointment that the Government saw fit to try to restrict information being provided to the Opposition by denying us access to documents that provided us with the necessary information to decide our attitude on many of the matters contained in the Bill. I trust that the Government will not try that little trick again. I hope that the Government will become serious about the containment of marine pollution in South Australia.

The Hon. PETER DUNN: I support the Bill. I will comment on areas of marine pollution that are not quite so close to Adelaide, although I will spend some time on the pollution of St Vincent Gulf. Raw sewage is being pumped directly into the sea at Finger Point in the South-East. Finger Point has been an ongoing saga. Tonight it has been demonstrated that the Government, which has held office for 20 of the past 25 years, should have fixed that problem. The Labor Party, during every election run-up, has promised to fix Finger Point—but that has never been done. As a result, raw sewage from Mount Gambier is pumped into the ocean at Finger Point.

And that is not the only area where raw sewage is being pumped into the sea. Today, raw sewage is pumped into the ocean at Billy Light's Point, which is just south of Port Lincoln. It is interesting to note that a number of people have complained that on odd occasions, when the tides and winds are right, effluent has been seen to blow into the inlet and outlet of the new marina at Port Lincoln.

I do not believe that that is acceptable in any circumstances. It is raw sewage (not even treated sewage) and in this day and age that is not acceptable. I hope that this Bill will speed up the process of sewage treatment in the Port Lincoln area. I know that the Government has sped up the process at Mount Gambier, but sections of Port Lincoln, a sizeable town with a population of more than 14 000, are still disposing of their sewage into the sea without treatment. That is not acceptable, because the area around Port Lincoln is a very valuable area for fish stocks. Raw sewage disposed of into the ocean provides an opportunity for infection to breed and run riot.

Spencer Gulf is a much larger gulf than the Gulf St Vincent, and it is a very valuable stock for fish. It has been

disturbing for many years to see the effluent pumped into the sea around Port Pirie. In the early days technology was not available to recover it, but I believe that the technology is now available at least to lessen the outflow of those heavy metals into Gulf St Vincent. If we consider the area between Wallaroo and Cowell, there is a great number of breeding and feeding grounds for many of the fish varieties that we like to see served on our dining tables. It would be very sad if we lost the whiting or prawn industry, for example, from Spencer Gulf. Those fisheries have been lost in the Gulf St Vincent as a result of over fishing and the pollution that has occurred.

The buy-back system introduced by the Government cannot be carried out because there is not enough return to the prawn fishermen in Gulf St Vincent for them to continue to be viable and buy back those fishermen who wish to get out of the industry—so that more resource is left for the fishermen who remain. If we continue to dump raw sewage and heavy metal into Spencer Gulf, it will finish up in the same way.

Fortunately, not a lot comes out from Whyalla. The steelworks operates on a slightly different system, although I have no doubt that some disposal of liquids into Spencer Gulf occurs from Whyalla. It is more critical in that area because there is not as much tidal flow as one would anticipate in the Port Lincoln area. For a little while during the war, I lived in Adelaide, and my mother would take me to Glenelg or Henley Beach, and I remember getting caught up in the seaweed on the beach. Try that today! It would take you 20 minutes to swim out to the ribbon weed. It is a long way out, more than a kilometre. Pollution has had a very undesirable effect on the coastline. I can remember when the sandhills were about a chain and a half to the east of the sea line on a normal tide. Today, they would be between three and four chains back from that area, particularly around Marineland. Quite obviously, the demise of the ribbon weed has caused heavier seas to run up on that beach and erode the sand from the beaches.

In the 1940s the sandhills were very distinct, yet 45 years down the track we can see tremendous erosion in this area. If we do not make an attempt to get that seaweed back we will spend a king's ransom on carting sand up and down the beaches to replace sand that is eroded away, to keep the beaches suitable for people to enjoy and for other reasons.

I have spent some time at Port Neill on the Eyre Peninsula. I lived there as a child and I have a little shack there. In the winter the beaches erode away, but in the summer when the tides are low the front of the sandhills build up again when the sand dries out and is blown back into the sandhills by the prevailing winds. In most cases the seagrass and cane grass grow to bind the sand together. This process waxes and wanes during the year. There are some lovely beaches in that area, but the lovely beaches on the Adelaide coast have disappeared—and it is because effluent from this huge city has been poured into the sea. It is a shame because Gulf St Vincent could be a tremendous tourist attraction.

It is my opinion that perhaps we should not have any professional fishing in the Gulf St Vincent. It is only providing less than 10 per cent of the fish sold in the commercial markets of Adelaide. Perhaps we should stop pouring effluent into the gulf and allow it to become a tourist resort. This could be achieved with a little imagination and some reef building in this area.

Many lovely fish grow in the Gulf St Vincent, such as whiting—which is probably our premier eating fish—snapper, snook, garfish, tommy ruff, flathead, and many other species that are much sought after by game fishermen. Unfortunately, they are hard to catch because they are so sparse. There are enormous feeding grounds, particularly in the north of the Gulf St Vincent and on the east coast where the marshes and heavier vegetation extend into the sea. This muddy area is a great area for fish propagation.

During the seven or eight years that I have been a member of this Parliament, while flying in on a Monday or home on a Friday I have noticed the demise and breakdown of these areas, certainly the receding of the ribbon weed line on the eastern shoreline of the Gulf St Vincent.

I recall in about 1984 or 1985 asking the Hon. Chris Sumner a question about why there was a huge sludge outlet at the end of Grand Junction Road which stretched about 5 kilometres out to sea. I was told that this was fairly normal and happened occasionally. However, I always noticed that it happened when the tide was running out and this long line of black sludge could be seen stretching about 5 kilometres from the end of Grand Junction Road. It would often travel 8 to 10 kilometres due south as the tide took it out.

I recall a number of large aircraft reporting oil slicks in the Gulf St Vincent, when in actual fact it was sludge from the Port Adelaide area which was being poured into the gulf. Today one can fly over this area and see that there is no seagrass running north and south of that outlet for a considerable distance. It has not taken the grass out of a very wide area, but it is quite distinct, and can be seen easily on a calm day from a light aircraft approaching Adelaide or Parafield.

I think it is time that we treated some of this sludge. It is time that it was kept on the land. Mr Cameron has given a very good expose of what we wanted to do as a Party, and this was achievable. Had it been achieved this State would be a lot better.

This Bill attempts to go along that track, but it is probably a case of too little, too late. Without being amended heavily it will have some effect, but had it been written properly it could have had a much better effect and 90 per cent of the outflow of sewage could have been put back onto the land and used sensibly.

I believe that the Liberal Party had a very good policy prior to the last election, and I still think that, given the chance, that policy will work. I implore the Government to take that on board in a bipartisan attempt to correct a very sad situation. Gulf St Vincent, in particular, has nearly died because of the outpourings of this rather large city into its waters.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the second reading of this Bill. In doing so, I congratulate the previous speakers (two from this evening and others on previous evenings) who covered the general areas of the Marine Environment Protection Bill now before us. I do not intend to traverse the same ground. To assist the passage of this Bill, I will ask some questions during the second reading debate about several matters I will raise during the Committee stage. Some aspects of the legislation trouble me, perhaps because of my lack of understanding or perhaps some problems need further amendment during the Committee stage. Only time will tell which of the two will apply.

To help the passage of the Bill, I will raise those matters now, as this will give the Minister and her advisers the opportunity to provide answers to the questions I will raise. First, clause 16 2) provides:

(2) Without limiting the effect of subsection (1)—
(a) the Minister may not—
(i) grant a licence unless satisfied that the applicant is a fit and proper person to hold the licence; or
(ii) grant a licence authorising the discharge, emission or depositing of matter of a prescribed kind;.

I refer in particular to clause 16 (2) *(a)* (ii) which provides:

... grant a licence authorising the discharge, emission or depositing of matter of a prescribed kind;

I must admit that, when first reading the Bill, I found it very hard to understand this provision when reading it in conjunction with other provisions of the Bill. I understand that the essence of the Bill is to allow polluters to pollute within certain conditions and under licence as issued by the appropriate authority. However, this subparagraph appears to say that the Minister may not grant a licence authorising the discharge, emission or depositing of matter of a prescribed kind.

The way in which that subparagraph is drafted, particularly the phrase 'matter of a prescribed kind', immediately took me back, at least on first reading, to clause 3 and the definition of 'prescribed matter'. Whilst it is not exactly the same, on first reading it appeared to me that this was what we were talking about: prescribed matter as defined in clause 3.

As I said, on first reading this appeared to conflict with the earlier licensing provisions of the Bill. In fact, one part of the Bill appeared to say that we could license while another part said that the Minister may not grant a licence for the depositing of matter of a prescribed kind. Parliamentary Counsel advises me that what we are talking about here is what I would call 'prohibited matter' rather than 'prescribed matter'.

A brief discussion I had with a senior officer from the department seemed to indicate that that was the direction in which the Bill was heading but that further information would come back, perhaps during the Committee stage of this debate. It was suggested that in clause 16 we are talking about prohibited matters—for example, nuclear waste—and that this clause was attempting to say that the Minister could not issue a licence at all for the discharge, emission or depositing of that prohibited matter. If that is the reason for this provision, I ask the Minister to look at some alternative drafting, because I believe it is confusing to those of us in this Chamber trying to consider the legislation, although I guess that in the long term that is not a significant problem. However, I believe it would be confusing for those in the industry and those in the community who will, similarly, have to interpret the legislation.

To provide for matter of a prescribed kind and then suggest that we will have a long list of prescribed matters in the definition clause and, in effect, a separate list, or perhaps a subset of that list that will be, in effect, prohibited matter, is confusing to say the least. If it is prohibited matter that we are talking about in this clause, why not insert a separate definition of prohibited matter, or some such phrase, in the definition clause. Similarly, why not redraft clause 16 (2) *(a)* (ii), to refer to prohibited matter so that it is not confused with prescribed matter under the definition clause. If this legislation is drafted in this way to not only pick up prohibited matter but for some other purpose that has yet to be explained, I would seek some explanation of that other purpose from the Minister and the reason for drafting the legislation in this way.

I now refer to clause 19—the exemption clause. As the Government knows, the Opposition will seek to delete this clause. We take the view, both in this Chamber and in another place, that we should not allow the Minister to make exemptions and that, with other provisions of the Bill, and perhaps further amendment, we can cater for the sorts of circumstances that might have been envisaged under this clause. When we originally took this matter to Parliamentary Counsel, we had a suggested draft to cover emergencies and accidental discharge to replace clause 19. For the benefit of the Minister, I will quickly read into *Hansard* that very rough draft which, of course, would need to be tidied up by Parliamentary Counsel. Under the heading 'Accidental discharge and emergencies', the Opposition's suggestion for clause 19 would provide:

(1) The Minister shall be notified as soon as possible of accidental discharges due to emergencies or malfunctions or inadvertent discharges which are in excess of licensed quantity or pollutant concentrations. This responsibility would be in addition to any responsibility to notify emergency combatant authorities or others.
(2) Approval may be granted within specified limits and conditions to discharge wastes or substances to coastal waters in emergencies, for temporary relief of a public nuisance or community hardship, or for commissioning of an industrial plant. This will apply where no long-term serious environmental damage would occur and where there was no other practical alternative.
(3) Where unlicensed discharges or clean up operations would cause damage to the environment, for example, that alters topography, layout, appearance, aesthetic appeal, beneficial use, habitat for flora and fauna or biota of land, premises or coastal waters, then the Minister may require rehabilitation of such areas within reasonable time at the expense of those responsible.

As I said, we do not lay claim to the fact that that was drafted by Parliamentary Counsel and therefore is in anywhere near the form appropriate for consideration by this Chamber, but I just read it into *Hansard* to indicate that our original intention in excluding the exemption clause was to replace it with a clause headed 'Accidental Discharge and Emergencies'.

Parliamentary Counsel's very strong view to us—and it remains their view—was that accidental discharge and emergency are covered by other provisions of the legislation. I note from the debate in another place that the Minister appeared to differ with that view of Parliamentary Counsel, and appeared to say that, if we removed the exemption clause, there was no provision for accidental discharge. So, there appeared, at least to me on the surface, to be some discrepancy between the advice provided to the Liberal Party and the statements made by the Minister in another place about the question whether accidental discharge would be covered if we were to exclude the exemption clause.

As I understand Parliamentary Counsel's argument—and I have not had the opportunity to raise the matter with the Minister—they argue that the general defence clause 39 will cover accidental discharge so that, if there is an accident, industry or the agency will be covered by the general defence clause 39.

In relation to another envisaged circumstance—not accidental—where a decision is taken to discharge waste or a substance into coastal waters in an emergency situation, perhaps because there is a dangerous situation regarding plant, nearby residences or for whatever reason, as I understand it Parliamentary Counsel argues that that situation would not be covered by the general defence clause 39 but, rather, that the Minister could issue a licence for that particular industry or agency to discharge waste into the marine environment to relieve the particular emergency situation. Again, I can envisage that there might be circumstances

where there is sufficient time for that to occur. So, we are talking about a conscious decision to alleviate an emergency situation on land to discharge waste into the marine environment, when someone rings the Minister (or however this process is to work), and a licence is issued allowing them to discharge the waste into the marine environment.

However, I can envisage a particular situation (and I must confess I am not *au fait* with all the provisions of the Environment Protection and Sea Dumping Act and other related legislation regarding whether or not tankers have to be a particular distance off the coast) in which a captain of a ship took the view that he or she had to dump something in the environment to prevent an explosion or a dangerous circumstance for the sailors and personnel on board the ship. In those circumstances—and perhaps in some other circumstances in relation to a plant on land—it may not be possible for the captain of the ship or the managing director of the plant to ring the Minister or follow whatever process has to be followed to have a licence issued.

That is why the Liberal Party wished to put in some form of alternative for this exemption clause and suggested a draft, which would need changing, under the heading 'Accidental discharge and emergency.' I shall be seeking a response from the Minister as to whether, if the exemption clause is deleted, she accepts the view of Parliamentary Counsel that accidental discharge and emergency will be covered by other provisions, such as section 39 and the licensing provisions. If that is the Government's argument, what is its response to the hypothetical situations that I have raised where in certain circumstances those two options might not be able to be followed?

The next area that I want to raise for the Minister's consideration relates to schedule 1, 'Transitional Provisions'. I must confess that this aspect of the Bill has given me the most difficulty in understanding. That may be my fault rather than fault with the drafting of the legislation. Paragraph (1) states:

> Where due application is made for a licence under this Act and the applicant satisfies the Minister that the activity for which the licence is sought was lawfully carried on by the applicant on a continuous or regular basis during any period up to the passing of this Act, the Minister must grant the licence notwithstanding that the activity is of a kind for which a licence would not be granted apart from this subclause.

I emphasise the last part of paragraph (1):

> . . . that the activity is of a kind for which a licence would not be granted apart from this subclause.

Paragraphs (2) and (3) provide:

> (2) Where the Minister grants a licence by virtue of subclause (1), the Minister must impose conditions of the licence in accordance with Part III requiring the licensee, within, or in stages over, a period that the Minister considers to be reasonable in the circumstances (but not in any event exceeding eight years from the commencement of this Act)—
>
> *(a)* in a case where such action is reasonably practicable in the circumstances—to take action to modify the activity to bring it into conformity with the requirements that would be applied in relation to an activity of that kind commenced after the commencement of this Act; or
>
> *(b)* in any other case—to discontinue the activity.
>
> (3) Where the Minister grants a licence by virtue of subclause (1), no person, other than the applicant for the licence, is entitled to make an application for review under Part IV in relation to the decision to grant the licence or the conditions on which it is granted.

In my eight years in this Parliament my understanding of transitional provision clauses is that they cover the circumstances or situations up until the major provisions of the Act take over. Therefore, as the name suggests, we have some legislation which will set in train new laws of the land, but we put in transitional provisions, in a grandfather like way using grandfather-type clauses, to move through a period of transition from the old to the new. Then, when we reach the new, that is the end of the transitional provisions, the transitional provisions are no longer operative and we abide by the substance of the legislation. That is my understanding of transitional provisions.

I must confess that not only in debate in this Chamber by a number of members but also in discussions with other members of Parliament and others who have lobbied the Liberal Party in relation to the transitional provisions clause, the consensus appears to be different from my general understanding of transitional provisions, in particular in relation to the debate about the period of time, the 15 years, being brought back to—it was almost a pick-a-box circumstance—eight, seven or five years, depending on the amendment that one was considering or wanted to support.

When I first read the transitional provision I thought the Government was trying to cover certain industries that would not be granted a licence if that provision was not passed. In other words, the Act would cover from about 90 per cent to 99 per cent of the industries; they would be given licences and be allowed to pollute within certain conditions and at certain levels.

However, there may well be a small number of polluters that would not be granted a licence under the provisions of the Act and I understood that the transitional provision related only to that small number of polluters, whether they be industries or agencies. Therefore, my original understanding of the transitional provision was that certain industries or agencies would not get a licence under this legislation because under clause 16, for example, the legislation bans certain things. There would not be any acceptable limit. But under the transitional provision, notwithstanding what exists in the Bill, a licence would be granted so that the industry would not be put out of business over night. However, those industries would be given only a maximum of 15 years, in effect to do one of two things: either, as provided under clause 2 *(a)*, if it is reasonably practicable, to modify the activity to bring it into conformity with the requirements that would be applied in relation to an activity of that kind commenced after the commencement of the Act; or, secondly, if the industry could not do that, it would have to close down and the activity would be discontinued.

As I said, it was my understanding of the transitional provision that 90 per cent to 95 per cent of the industries and polluters would be covered by the Bill and a small number would be covered by the transitional provision and they would be given a maximum of 15 years. We have had this 'pick-a-box' argument whether it should be five, seven or eight years, and the Government has come down on the side of eight years, while we may well be debating a seven or five year limit in Committee.

The broad concensus of people who have lobbied the Opposition on this Bill and some of the members of Parliament who have spoken on this provision in both Chambers appears to be that the eight year limit is in relation to all industries and all agencies. The consensus in relation to the interpretation appears to be that, given that the 15 year limit has been reduced to eight years in that transitional provision, in some way that implies to all industries that they will have to either discontinue that activity or bring it into conformity with certain requirements as outlined in that Bill within a period of eight years. The general view among Greenpeace, the Conservation Foundation and other individuals who have lobbied the Opposition appears to be that, if this 15 year limit is reduced to eight years, we will be forcing the E&WS Department, BHAS and many other industries that pollute at present to get their act into line within an eight year period.

I want to pursue this matter with the Minister, hopefully not at length, in Committee, but I want an understanding of the situation in relation to this transitional provision. If my original understanding as I have outlined at some length is correct, that is, that it applies only to a small number of polluters, I would think that members in this Chamber in Committee ought to be looking at whether we should include within the body of the Bill and not within the transitional provisions some similar provision which binds all industry, all polluters and all other agencies within a certain time frame, as we are intending to do under the transitional provisions.

Whether there is a five, seven, eight or perhaps 10 year limit as John Olsen was talking about by the year 2 000, or a 15 year limit as was originally proposed, is a matter for debate. As I said, it is an important matter and I raise it in the second reading debate to at least give the officers an opportunity to put a persuasive argument before members as to the correct interpretation, or at least the department's interpretation, of the matters that I have put before the Council.

I now seek information about the words 'standards', 'criteria' and 'objectives'. The Bill does not define in the definition clause these words and I ask why the Government chose not to define 'standards', and 'criteria' in particular. Clause 16 (1) *(c)* refers to 'standards' and 'criteria'.

The Government White Paper 'Control of Marine Pollution from Point Sources' of June 1989 (page 6) gives three definitions for the terms to which I have just referred, as follows:

'Criteria' are the scientific yardsticks used to judge if a body of water could support a designated beneficial use.

At page 6 the report goes on to state:

At present, most of the marine waters of South Australia would support all beneficial uses, so levels of metals and other chemicals measured in open waters off our coasts would be close to criterion levels for high water quality. Exceptions are that waters around Port Pirie may not be suitable for fish farming, while some estuaries and inlets, particularly in metropolitan Adelaide, are no longer suitable for 'contact recreation' such as swimming, or, in the case of the Patawalonga, for fish.

At the back of the White Paper is appendix 2 (B) 'Water Quality Criteria Derived from General Publications/Reports.' As the appendix is not strictly statistical, I will not seek to have it inserted in *Hansard*, but I refer the Council to the reference to one of the heavy metals. Under the listing 'metals' in respect of cadmium, the criteria are as follows:

Five micrograms per litre—median value over six months of sampling . . .

I guess that that refers to how it is measured. There is then an authority reference, that is, IDACOMP. A whole range of metals is listed, and nutrients are listed.

That is some sort of understanding of what the White Paper considered in relation to the term 'criteria'. As I said, it appears to be some sort of reference to the quality of water and the measurements of heavy metals, for example, in micrograms per litre. In the White Paper 'standards' is defined as follows:

Standards are legally enforceable levels established by an authority. Standards are not necessarily based on ideal environmental requirements, and may be quite arbitrary.

The White Paper defines 'objectives' in this way:

Objectives are the desirable, but possibly longer-term aims for water quality. In practice, they would take account of economic and political factors.

I have difficulty understanding the differences between criteria, objectives and standards. A number of other members and interested bodies have had similar difficulty. As there is no definition in the Bill of standards and criteria, there may well be further misunderstanding.

The Hon. Mr Elliott will move a series of amendments. The first amendment seeks to insert a definition of 'applicable water quality standard', as follows:

'applicable water quality standard', in relation to an activity or proposed activity, means a standard set under the regulations in respect of the quality of water in the area in which the activity is or is proposed to be carried on.

As a lay person reading that, without having read the Government White Paper, it appears to make sense. The word 'standards' makes good sense, and I can understand what the honourable member is driving at in his definition. In clause 16, reference is made to standards, although the Bill contains no definition of that expression. The Hon. Mr Elliott's amendment makes reference to an applicable water quality standard, as so defined, and the White Paper has two separate notions, one of criteria and one of standards.

If one looks at the definition of water quality criteria that I have read into *Hansard* from the White Paper, and if one looks at appendix 2 *(a)* of the White Paper, which talks about water quality criteria for receival waters, it appears to me that, without going through the detail and boring members witless, what the Hon. Mr Elliott is talking about in relation to applicable water quality standards is, in effect, what the Government White Paper talks about in relation to criteria. This confusion in terminology could make the understanding and interpretation of the legislation very difficult indeed. Clause 16 (1) *(c)* states that, in determining whether to grant licences, etc., and the conditions that are attached to a licence, the Minister must take into consideration: 'such policies, standards and criteria as the Minister may from time to time promulgate by notice published in the *Gazette* and as are applicable to the application or licence in question'.

We need to understand what we are talking about in relation to standards and criteria and whether we are endorsing the definitions of standards and criteria as listed on page 6 of the White Paper. If that is what the Minister and the Government intends, perhaps that should be put in the definitions clause. If that is what is intended, before the Committee debates the Hon. Mr Elliott's amendment on applicable water quality standards, we should try to agree on the use of terminology so that we can change the amendment to bring it into line with what is in the Bill and the White Paper.

The Hon. Mr Elliott might like to clarify a problem that I see in relation to his amendment to insert a new clause 26d (1) *(a)* and *(b)*. I think that paragraph *(a)* should read 'Part III' and that paragraph *(b)* should read 'Part IV'. If the Hon. Mr Elliott agrees with that, he might seek leave to move that amendment in an amended form.

While considering the question of standards and criteria, and what we mean by them, I raise two other general matters. First, clause 16 (1) *(c)* provides:

Such policies, standards and criteria as the Minister may from time to time promulgate by notice . . .

Given that the Hon. Mr Elliott will move an amendment to establish a marine environment protection advisory committee and that the Hon. Ms Laidlaw will move an amendment to establish a marine environment protection committee, I wonder whether members might not consider it advisable that this paragraph read as follows:

Such policies, standards and criteria as the Minister, having received the advice of the appropriate committee, may from time to time . . .

But that is not the appropriate form of words.

The Hon. M.J. Elliott: I have such an amendment on file already.

The Hon. R.I. LUCAS: If the honourable member has such an amendment on file I must confess that I missed it.

The Hon. M.J. Elliott: If I haven't, there should have been one.

The Hon. R.I. LUCAS: The Hon. Mr Elliott says that that was his intention. We should consider both the Hon. Mr Elliott's and the Hon. Ms Laidlaw's amendments. It can be inferred, from the sorts of function that both members have outlined for the respective committees, that that could occur. However, I think we should strengthen that provision because I think the question of policies, standards and criteria will be the essence of the legislation—it will be the matter of great interest. Perhaps we should consider the advisability of putting in that particular provision that the Minister should take advice from the appropriate committee prior to making those sorts of decisions.

Again, without committing myself to a final vote on it, I raise a similar thought, and in this respect I seek a response from the Government and from members in relation to clause 12 (2)—whether we should consider (and one can infer from the amendments to be moved by those members that the advisory committee can provide advice on these matters) a further strengthening by providing that the advice of the committee be sought.

There are a range of other matters in relation to standards and criteria that I want to pursue but, until I have had explained thoroughly to me, so that I can understand it, what is intended by these various definitions and how these standards and criteria will operate in practice, it might be a waste of time to do so at this stage. I will perhaps leave that for the Committee stage. However, in the Minister's response I would like a practical example, taking a typical industry, of the sorts of conditions on licences that we might be talking about so that we can understand the sorts of conditions that might be placed on an industry, and what standards and criteria will be placed on that industry.

Let us take BHAS as an example. There has been some argument to and from in relation to this matter, but are we talking about laying standards in relation to concentrations of heavy metals per litre in the discharge from the industry into the gulf, or are we talking about what I think the Hon. Mr Elliott might be suggesting in his 'applicable water quality standard' amendment, namely, requiring a standard in the gulf, for example, of a concentration of heavy metals? As I said, that is still not clear to me whether we are doing one or the other, or both.

In relation to that, I refer to a letter dated 1987 from the Premier to Ken Parkes (General Manager, Operations, BHAS)—

The Hon. M.J. Elliott: You got one, too?

The Hon. R.I. LUCAS: I think there have been plenty of these floating around for quite some time. The part I wanted to refer to was the attachment that referred to liquid effluent.

The Hon. M.J. Elliott: I read it in yesterday.

The Hon. R.I. LUCAS: I accept that the honourable member might have read it in, but I want to ask some questions in relation to it. It states:

> The EEIP includes the installation of a large thickener at the sinter plant, which would also serve as a first stage for any future effluent treatment plant. BHAS understands that the Department of Environment and Planning is drafting legislation and preparing Regulations to control land-based discharges to the marine environment. It is expected that the Regulations will include schedules of permitted levels of discharges of heavy metals.
>
> BHAS further understands that the approach which is likely to be taken in these schedules is the classification of receiving waters so that differing capacities to accommodate pollutants are recognised. This classification would primarily consist of ambient water quality criteria derived from the Californian 'Water Quality Control Plan'.

That again appears to refer to the sorts of phrases or criteria under the White Paper which appear to be the same sort of intention that the Hon. Mr Elliott is moving under his heading 'Applicable water quality standard'. The letter continues:

> Because there is already a large reservoir of heavy metals present in the marine sediments close to the BHAS effluent discharge restoration of the marine environment to pristine condition is not feasible. The objective of control of future discharges should be to maintain the existing ecosystems without any further significant disturbance. Thus, BHAS proposes that, if the Government accepts liquid effluent controls are warranted, the area to which BHAS discharges its effluents will be classified as estuarine environment which is already disturbed by past pollution.

What BHAS was arguing there—and it appears to have some sort of understanding with the department—is that for years the gulf has been polluted and, therefore, it ought to be treated differently from an industry that is operating next to a crystal clear mountain lake, for example, because that is pristine pure. The gulf is polluted after 60 to 70 years—

The Hon. R.R. Roberts: One hundred.

The Hon. R.I. LUCAS: —after 100 years of past practices, which everyone accepted during those years but which are now not being accepted because of a changed environmental and economic outlook. In the Hon. Mr Elliott's amendment, and in the White Paper under 'Criteria', my understanding of that is they are setting certain levels for the gulf—

The Hon. M.J. Elliott: Zones within the gulf.

The Hon. R.I. LUCAS: Whether it be for zones within the gulf or for the gulf, they are setting certain levels, and I would be interested to know from the Hon. Mr Elliott and also the Government whether that is in accord with the argument of BHAS that it should be treated differently from a similar industry that might be sited next to a pristine pure mountain lake. Does the Hon. Mr Elliott envisage in his amendments allowing different water quality standards or is it envisaged in the terminology of the Government water quality criteria that BHAS should have a different standard from that which it would have were it to establish an industry next to a pristine pure mountain lake, for example?

So, when we debate this matter in Committee I will be interested to hear from the Hon. Mr Elliott and the Minister whether they envisage treating BHAS at Port Pirie differently in relation to what the Hon. Mr Elliott says will be zones within the gulf. I presume that he is talking about different applicable water quality standards in the gulf and that he is also referring to a more lenient standard for the zone around BHAS.

The Hon. M.J. Elliott: That is a job for the committee to work out.

The Hon. R.I. LUCAS: Which committee—the marine environment committee or our committee? I would be interested to hear from the Hon. Mr Elliott during the Committee stage a further expose of what is intended by his amendment and, equally or more importantly, what is intended by the Government for BHAS in relation to its EEIP which I have read into *Hansard.*

I wish to refer to three matters contained in the EEIP: first, emission standards of heavy metals into the environment. The document states:

> BHAS considers the current emission standard of 10 microgram/m^3 for the total emission of lead, cadium, antimony, arsenic, mercury, vanadium and their compounds is appropriate with the use of best available control technology. In general, emission levels at BHAS are within this standard, and could improve as a result of the EEIP. This standard is set in consideration of pollutant effects and use of best available control technology. BAHS proposes that this standard should not be altered for existing plant or that being installed as part of the EEIP.

What is the Government's view of the current emission standard of 10 micrograms per cubic metre? Is this emission standard a commonly recognised international standard or

was it negotiated with BHAS? When we met with Mr Ken Parkes recently he indicated that according to a graph of this emission standard compiled over the past 18 months or so, the level was always beneath 10 micrograms per cubic metre—it was about eight micrograms per cubic metre. Does the department agree with this graph?

I raise this point because some of the research material on heavy metals in the gulf indicates that we are talking not just about heavy metals from effluent discharge, but about those that come from the air to the ground, and are then washed into the gulf where they eventually reside. So, the heavy metals come not only from effluent discharge but also from the air to the ground into the marine environment. Therefore, the importance of emission standards for heavy metals should be considered in relation to the effects of heavy metals on the marine environment.

In relation to calcium arsenite, the document states:

> The disposal of arsenic has been addressed in the EEIP in order to assure continuing operations. Arsenic is currently stored as calcium arsenate in impervious dams on the works lease, but these dams will be full in two to three years.

This document was written in 1987, since which time the capacity of these dams has been expanded. The document continues:

> After intensive investigation, no economic alternative has been found at this time for the sale or disposal of this material.

Is the department happy with the fact that there have been no problems with leakage of calcium arsenite from impervious dams into the marine environment? Finally, under the heading 'Effluent treatment sludges' the document states:

> Heavy metal rich sludges would be produced as a result of effluent treatment. It is BHAS's intention to return these sludges into the smelting process where the metals will be reclaimed.

I am interested in the department's response to this proposition of two or three years ago from BHAS. Having had the benefit of about two hours' discussion with Mr Ken Parkes and some of the staff of BHAS, the Hon. Mr David Wotton and I were impressed with the information that was made available to us. I am not an environmental expert—the Hon. David Wotton may be—and I was not in a position to make judgments about the accuracy of claims on both sides of the argument about the effects of BHAS and what that company is doing in relation to the gulf environment.

Certainly, there are indications from the EEIP and the recent announcement of a further $10 million to be spent over four or five years, and they are confident that heavy metal discharge into the gulf, in particular, could be brought down to acceptable levels within the space of about five years. The confidence of the industry is welcome. We hope that their confidence is not misplaced and that, with the expenditure of the extra millions they are talking about, they can comply with the provisions of this Bill and significantly reduce the discharge of heavy metals into the gulf.

My last question relates to Lake Bonney, and I wanted to know how, under this Bill, the Minister will take the decision to release overflow from Lake Bonney into the sea (thereby discharging pollutant into the sea). Will she be issuing a licence to herself or will she exempt herself from the provision? I should be interested to know how the Minister intends to continue that practice. I raise those matters in a spirit of trying to shorten the debate during the Committee stage next Tuesday and Wednesday, and indicate my support for the second reading of the Bill.

The Hon. ANNE LEVY (Minister of Local Government): I thank members for their contributions to the second reading of this Bill. It is obvious that most members have treated this in a very responsible and considered manner, which does not necessarily indicate my agreement with all the points of view they have expressed. I appreciate, however, the consideration they have given to this matter.

Many different points were raised during the debate, but I note the Hon. Mr Lucas's comment that many of these matters will arise when considering the clauses during the Committee stage. It seems, therefore, appropriate to leave further discussion of these points until the relevant part of the Committee stage. At this point I merely thank members for their contributions, and close the second reading debate.

Bill read a second time.

ADJOURNMENT

At 10.10 p.m. the Council adjourned until Tuesday 3 April at 2.15 p.m.