HOUSE OF ASSEMBLY

Wednesday 22 August 1990

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

QUESTION TIME

WATER QUALITY GRANTS

Mr D.S. BAKER (Leader of the Opposition): Why does the Treasurer claim that the Commonwealth cut a special assistance for water grant by over $41.5 million in 1990-91 when the Federal budget papers indicate that the total grant was worth only $12 million last year?

The Hon. J.C. BANNON: Because, in fact, the method of payment under which the grant was made meant that it was recorded in one financial year for the Commonwealth and in the subsequent financial year for the State. Water quality grants of $50 million and $12 million were paid out of the Commonwealth accounts in 1988-99 and 1989-90 respectively, but not received into the State's accounts until the following years.

BUDGET IMPACT

The Hon. J.P. TRAINER (Walsh): Will the Premier advise the House of the overall impact on the State's finances of the Federal budget which was brought down last night?

The Hon. J.C. BANNON: I would be delighted to do so; delighted not because the news is good (indeed, the impact on South Australia is very bad), but delighted only in that it gives me an opportunity to put properly on the record the confirmation that is provided in the Commonwealth budget delivered last night of the parlous situation—the financial black hole—of the $180 million plus by which this State has been disadvantaged under the Commonwealth provision. I am even more delighted in the face of statements that have been made by the Leader of the Opposition—that lonely voice who, together with the Federal Treasurer, is prepared to accept information that is quite clearly wrong.

An honourable member interjecting:

The Hon. J.C. BANNON: We will see about that. The full details will be set out in the budget speech which will be delivered tomorrow. The Leader of the Opposition is apparently still unable to read or dissect the figures to see through what Federal Treasury is trying to say. I am not interested in points scoring or talking of excuses, but I am aghast that the Leader of the Opposition is still siding with Canberra and a Federal interpretation of figures which is quite clearly wrong and which is against the interests of not only his own State but all other States in Australia.

If this line that the Leader of the Opposition is peddling were believed, Mr Keating and his colleagues and Federal Treasury operatives would be absolutely delighted. It is only because they were nailed at the Premiers Conference that the true situation has been set out. Of course, they are persisting in their myth by reproducing the tables that they earlier produced. However, they are as invalid now—being produced last night in the Federal budget—as they were in the offer document that was slipped under the door at 7.30 p.m. on 28 June. Let me read to the House one response from a State Premier to last night's budget. This is in the context of saying, 'The State's actually got real increases; they really have not done too badly out of it—South Australia in particular has done well.' The response states:

> The Commonwealth surplus has again been largely achieved by cutting States' rather than Commonwealth own-purpose spending. In 1990-91 financial assistance grants will increase by 2.4 per cent. At the same time, the Commonwealth will increase its own-purpose spending by 8.6 per cent.

Of course, that is in nominal terms. The 2.4 per cent is a major real reduction; the 8.6 per cent is a real increase. The quote continues:

> Increases in some specific purpose payments clearly do nothing to improve the States' budgetary positions. Moreover, where these payments require matching State funds, they curtail the States' decision-making abilities.

That is a pretty clear criticism. Those comments were not made by Joan Kirner, Wayne Goss, Carmel Lawrence, Michael Field or by me; they were made by the Liberal Premier of New South Wales, Mr Nick Griener. He has been prepared to bell the cat; he has been prepared to say what his opposite number here in South Australia cannot bring himself to say and to support the State.

In defence of his shoddy analysis of the budget last night, the Leader of the Opposition referred to table 1 of Budget Paper No. 4. That is the table that certainly shows the nominal increase; that is the very table that we debated in this House on the opening day; and it is the very table on which the Premiers Conference was stalled for almost a day because we could not get the detailed information to expose how wrong and inaccurate it was. If one includes payments that are simply passed through our State budget; if one is in a situation where, for instance, higher education grants are going up in real terms—and they are—and one includes that in a State table, it looks as though we are getting a real increase. That is exactly the impression that the Commonwealth wants to give.

However, if one analyses it, dissects it and looks at the real situation, one will find that that is a totally misleading situation. I understand that, other Premiers understand it, the New South Wales Premier understands that very clearly indeed; and, in fact, if one looks at the left-hand column of that same table, one will see that New South Wales is receiving a nominal increase of $500 million—that is very nice indeed. So, why is Mr Griener saying that it is an appalling situation? Because, like me, he understands the true impact of this situation. In fact, on 28 June he issued a statement in which he said that these tables were wrong. On 20 July he put a figure on the impact of Canberra's cuts to New South Wales, claiming that they amounted to $150 million in real terms. He got out of it more lightly than I did. One of the reasons for that is that the Grants Commission's recommendation, which should have given us an extra $50 million, was, in fact, overturned at that conference and part of the proceeds were passed to New South Wales and Victoria.

Again, that was a situation that the Leader of the Opposition apparently condones, because he keeps saying that it did not happen or it was appropriate that that decision was taken. That is why Mr Greiner's position is slightly better than ours.

Having had the opportunity to see the detailed tables in the Federal budget, I requested the Under Treasurer to provide a definitive statement, to analyse all those documents, and to tell us precisely what the situation is. He has provided a minute, which I would like to table, in which he provides information on exactly this point. I will quickly outline what the minute says. This is based on the detailed assessment of the documents published last night.

In relation to the loss that we have suffered, as far as the financial assistance and capital grants were concerned, it is

confirmed. Indeed, that figure is very clearly there. In relation to the payments made for special purposes, when one segregates the various payments and excludes the higher education payments, which are passed across, again one sees confirmed, with some variation, the figure that I have been using. In fact, it is about $5 million to $7 million less when we take the pluses and minuses over a wide range of payments. Some have gone up; others have gone down. But the net result is almost identical to our conclusion at the end of the Premiers Conference. In other words, the Under Treasurer says, 'You will note, on the basis of the data in the table, the real level of Commonwealth financial assistance to South Australia in 1990-91 will be $87 million below that in 1990-91.' That is the first component.

The second component relates to the Grants Commission calculation, to which the Under Treasurer refers, which is $51 million. That is the amount that was redistributed to Mr Greiner and Mr Cain by the Premiers Conference against the practice that had applied since 1981, against the agreement currently in force and against the recommendation of the Grants Commission. That is the sort of rough deal that we got, and the Leader of the Opposition should be standing up and supporting me. He should be backing me in my complaints about that.

The third item is the national teachers' benchmark salary, which was clearly in the calculations; that is an amount we will have to find one way or another to a greater or lesser extent, depending on the outcome of that very difficult situation, brought on us by decisions made unilaterally initially at Commonwealth level. If we put all those elements together, we have that figure of about $180 million about which I have talked. But interestingly, the Under Treasurer—

Members interjecting:

The Hon. J.C. BANNON: It does not finish there, because the Under Treasurer goes on to say that the result is a significant additional cost to the State, and the figure, as I said, is $172 million, which is comparable with the figure of $180 million that I have been using. But he goes on:

> I take this opportunity to draw attention to the relevance of a further matter of some significance; it is the comprehensive program of repayment of State's financial agreement debt to the Commonwealth agreed at the Premiers Conference, a program initiated several years ago by South Australia on a bilateral basis.

We have taken advantage of that program on a negotiated debt relief in the past few years. In last year's outcome, 1989-90, $59 million, the equivalent to $63 million in 1990-91 dollars, was negotiated to our advantage under the debt repayment scheme.

Mr S.J. BAKER: On a point of order, Mr Speaker, it would have been appropriate for the Premier to make a ministerial statement. We have had a very long answer to this question.

The SPEAKER: Order! There is no point of order. This has been a long answer, but it is a very significant issue. The next few weeks of this Parliament will be bound up very much in the impact of the Federal budget on the State budget. Therefore, I would ask the Premier to draw his comments to a close.

The Hon. J.C. BANNON: Thank you, Mr Speaker. I am aware of the length of the answer, and I apologise for that, but in this important issue we need comprehensive detailed information. The inability of the Leader of the Opposition and other members to understand it means that I have to spell it out very clearly.

I make one final point. I have detailed how we have arrived at the figure of $180 million, but I am explaining to the House—and it is contained in this document—that there is an additional amount of $59 million that we received last year as part of debt restructuring which the Commonwealth has said it will no longer be involved in. It has confirmed that there is no such debt relief in 1991 or subsequent years. Obviously, the Under Treasurer says, this is a major impact. The fact that it is felt indirectly through SAFA does not alter that fact: it is money to which we will not have access. Indeed, the $180 million was a gross understatement when we add that factor to it. The case rests there and I table the documents.

TEACHERS' SALARIES

Mr S.J. BAKER (Deputy Leader of the Opposition): Why is the Treasurer persisting with his claim that the Commonwealth is giving South Australia no reimbursement—

Members interjecting:

Mr S.J. BAKER: Settle down.

The SPEAKER: Order!

Mr S.J. BAKER: —for the cost of the new Federal benchmark on teachers' salaries when the Attorney-General has admitted that increased Commonwealth grants to South Australian Government schools this financial year will, and I quote the Attorney, 'include the Commonwealth share of the national teachers' benchmark', and Federal budget paper number 4 confirms this decision?

The Hon. J.C. BANNON: As part of the reimbursement formula whereby the Commonwealth makes some contribution, it does not matter what effect there is on wages or salaries; that very small proportion is paid into our budget. It is insignificant in the scheme of things, and that is not what the discussion—

Members interjecting:

The Hon. J.C. BANNON: It is insignificant set against the budget. It goes to government as well as non-government schools. Our analysis of the specific purpose payments to Government schools shows a real increase of $2.3 million as opposed to the grants of last year. Although that is what our analysis discloses, it says nothing about the $34 million this financial year alone that is involved in the national benchmark. That $15 million is unrelated totally to the impost that is being put on the State by a benchmark decision made at a national level.

If the Leader of the Opposition or his deputy again want to try to sweep that away and to say that the Government has no problem, I despair for the whole fiscal future of this State in terms of analysis from the Opposition. This impost, which goes well beyond the already stated national wage outcomes, which goes well beyond the rate of inflation and which represents a substantial real increase to a very large sector of our public work force, will cost us many dollars in this year; just how much will depend on the outcome of negotiations. I hope that the teachers are moderate in their demands and understand the problem with which we are faced, but that is the answer—

Members interjecting:

The Hon. J.C. BANNON: Yes, there is a minuscule Federal contribution that is taken into account in any salary structure, but it represents nowhere near the 90 per cent to 95 per cent more that we find from our own resources.

BUS ROUTE EXTENSIONS

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Transport have the State Transport Authority investigate possible extensions to route numbers 442 and 441 so that residents of, and visitors to, the Craigmore Supportive Centre

and Nursing Home have better access to public transport? I recently received a deputation from the Craigmore Supportive Care Centre and Nursing Home with a request that the provision of public transport along Adams Road, Craigmore, be considered. It was pointed out that an increasing number of people either reside at the complex or visit it, and many of the visitors are elderly. There is considerable residential development in the area, so any extension of the routes will benefit the general community rather than solely the Craigmore homes.

The Hon. FRANK BLEVINS: I thank the member for Napier for his question and his concern for his constituents.

Members interjecting:

The Hon. FRANK BLEVINS: It seems to attract some amusement from members opposite. I would have thought that they would have some concern for the citizens who live in the Craigmore nursing home. The suggestion that route 442 be extended to the centre is not acceptable to the STA because, certainly as the member for Napier would know, residents adjacent to Blair Park Drive would have to board buses on the outward journey to travel to Elizabeth and consequently their travel time to Elizabeth would be increased from 17 minutes to about 55 minutes, as waiting time between trips would have to be spent at the new terminus.

The most suitable alternative appears to be for the STA to extend its route 441 service, from the present terminus at the corner of Hanson Road and McKenzie Road, along McKenzie Road and Adams Road to the centre. However, this requires a short extension of McKenzie Road, which matter the STA has raised with the Munno Para and Elizabeth City Councils on several occasions. The centre is located in the Munno Para City Council area, but the portion of McKenzie Road in question is the responsibility of the Elizabeth City Council. However, the latter has indicated that it is not prepared to extend McKenzie Road. As the STA has not been able to achieve the extension of McKenzie Road, I can only suggest that the member for Napier again take up the question with the relevant councils to enable the STA to service this very important group of people.

INFLATION RATE

The Hon. D.C. WOTTON (Heysen): Is the Treasurer estimating that inflation will be 7 per cent this financial year, or was his use of that figure last night a rejection of the Federal Treasurer's CPI forecast of 6.5 per cent—a forecast Mr Keating says assumes a higher world price for crude oil?

The Hon. J.C. BANNON: We believe that the proper estimate is 7 per cent. Of course, it depends on the period over which it is measured. As I understand it, the March to March estimate of the Commonwealth will be actually 6.9 per cent. So it depends on which period of the year is measured. The working 6.5 per cent used in the Federal document depends, of course, on the period in which they are treating it. Having said that, I point out that last year we used a slightly higher figure than the Commonwealth in our budget. We were right and the Commonwealth was wrong. This year we would suggest that 7 per cent is an appropriate figure and, while it is true that reference has been made to the oil price, the fact is that the estimated price per barrel on which the Federal Treasury estimate was made has in fact already been exceeded.

BUS AND RAIL FLEET

Mr HAMILTON (Albert Park): Can the Minister of Transport tell the House what plans there are to upgrade the bus and rail fleet of the STA in the foreseeable future? A Woodville West constituent has contacted my office and stated:

> Many buses and more trains are very old and seem to be coming to the end of their useful life. The old 'red hen' trains, whilst some would say they are quaint, are not very comfortable for passengers.

Further, my constituent wants to know when the fleet will be upgraded.

The Hon. FRANK BLEVINS: I thank the honourable member for his question. His interest in the STA has been longstanding. However, I would have to take issue with his constituent on the point that the bus fleet is very old. That certainly is not the case. Nevertheless, we feel, in the interests of efficiency, financial responsibility and the comfort of our passengers, that the bus fleet ought to be upgraded, as well as the railcar fleet.

In relation to the new bus contract, tender documents are now being prepared for the calling for tenders for the supply of 307 buses over seven years, at a cost of about $128 million. This will mean that out of a fleet of 704 buses almost half will be changed over in the next few years. The tender documents will provide the options of compressed natural gas or diesel-powered buses and buses with very low floor heights and low exhaust emission levels. They will have refrigerated air-conditioning and a 'kneeling ability' to assist people with disabilities. It is expected that South Australian industry will be able to be involved and benefit from the letting of this contract.

As regards new railcars, it is true, as the member for Albert Park has stated, that the 'red hen' railcars are at the end of their useful life. I know many people who actually regret that, having expressed their regret to me, and who believe that the railcars should be refurbished rather than replaced. I do not agree with that, as the cost of refurbishing would be far too high. So, we have decided to replace them, and on 11 September last Cabinet approved the letting of a contract to Clyde Engineering Multi-Power Division for the supply of 50 diesel electric-powered passenger railcars.

A contract with Clyde Engineering was signed on 17 November last year, in which it was agreed that the 50 railcars and associated spare parts would be supplied over an eight-year period. The total project cost is $96.9 million in May 1989 dollar terms. Design work and tooling up for the construction have commenced and the first railcar is expected to be delivered on or before 25 October 1991. They are very expensive items of rolling stock and equipment, but the degree of commitment of this Government to maintain standards in the STA is very high and will be maintained.

PUBLIC SECTOR EMPLOYMENT

Mr INGERSON (Bragg): My question is directed to the Premier. What is the Government's target regarding State public sector employment in this financial year? I understand that information in the Federal budget paper No. 4 shows that over the past four years South Australia has shared with Victoria the highest average growth in State public sector employment of 1.4 per cent per year when, in fact, the Premier's commitment in June 1987 was for a freeze in Government employment growth.

The Hon. J.C. BANNON: The honourable member is making the mistake of confusing total public sector employment growth with budget agencies.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: In fact, the end of his question did not relate to the figure he quoted in the earlier part of the question. Of course, that indicates why one must be very cautious about the way in which one uses these figures, because I have said—and it has been on the record many times—that the growth of public sector employment in such areas as financial institutions, the State Bank, SGIC and so on, is to be commended—the more the better. It means, in fact, that people are getting opportunities for productive commercially-based employment in those agencies, and that has certainly been the case over the past few years.

In addition, a number of statistical changes have been made, one of the most significant being in the Health Commission area. Over the past few years, as more hospitals have become registered under the Health Commission, their employees, who previously were excluded from the numbers, have been imported into those numbers. So, when one actually looks at the figures in the core budget agencies, a very different picture emerges. We have kept our numbers under pretty tight control. In fact, in the period to which the honourable member referred, following my statement, they actually dropped. They have increased slightly in the financial year just ended and I will point out where they have increased. They have increased among nursing staff, among police in particular, and among correctional services officers, because our prisons have been expanded—there are more people in prisons spending longer time there (this is something that the community wants but we have to provide staff for it). The numbers have also increased in the children's services area.

So, in a number of key areas, yes, there have been increases, but I ask the Leader of the Opposition and his colleagues, including the honourable member who asked the question: does he not want that? Is he on about reducing the number of police officers, the number of nurses and the number of kindergarten teachers? Of course not! He uses these figures in this broad brush way to try to suggest that something is wrong with it. In some selected areas there have been increases, but overall there has been tight control. As to what we expect both in this financial year and in that to follow, I will be talking about that in the budget tomorrow.

ESSO SALE

Mrs HUTCHISON (Stuart): Will the Minister of Mines and Energy state what effect, if any, the proposal by Esso to sell certain of its petroleum refining and marketing assets to Mobil will have in South Australia, particularly in the areas of petroleum exploration, petroleum refining and marketing of petroleum products?

The Hon. J.H.C. KLUNDER: Clearly, this is a proposal that still has to receive the approval of the FIRB, but it is possible to look at the proposal and see that some of the effects on South Australia are not yet entirely clear, although most of them are clear. I will briefly go through each of those. In the case of petroleum exploration, Esso plays a quite significant part in South Australia through its ownership of Delhi Petroleum, one of the Cooper Basin partners.

Esso has given an assurance that its exploration activities will not be affected by that proposal, which concerns only the company's refining and marketing activities. It also seems unlikely that the purchase by Mobil of Esso's 30 per cent holding in the Adelaide refinery will have much of an effect, because Mobil is already the operator of the refinery and all the employees in the refinery are Mobil employees. The number of Esso marketing people in South Australia is quite small, and I assume that they will form part of Esso's restructuring arrangements.

What is not yet entirely clear is the long-term effect of Mobil's acquisition of Esso's service stations in South Australia. I have been given to understand that the laws governing franchise arrangements will mean that some of these stations will first be offered to existing proprietors, so it is not entirely clear how many service stations will actually be involved in the deal between Esso and Mobil.

NATIONAL CRIME AUTHORITY

The Hon. B.C. EASTICK (Light): I direct my question to the Premier. Following the decision announced in last night's Federal budget that the National Crime Authority is to open a permanent office in Adelaide rather than the current temporary arrangement dedicated to the authority's South Australian reference, will the Premier say whether the State Government has been consulted about this move and whether it is an indication that investigations involving the authority in South Australia will be more extensive than originally contemplated?

The Hon. J.C. BANNON: I noticed the reference in the Federal budget, and I think that there was a statement by the Attorney-General, Mr Duffy, to the effect that a sum of, I think, $19 million would be provided to fund NCA offices in Perth, Adelaide and Brisbane, as I recall. That is subject to correction, because I have had that reported to me only verbally. I had no knowledge that that was the intention of the Federal Government or that it was making such allocation. I am not aware of any formal notification to that effect in advance of the budget, nor the breakdown of those figures. As members will be aware, the cost of the South Australian references—

The Hon. B.C. Eastick interjecting:

The Hon. J.C. BANNON: That, in fact, is being done, in light of Mr Duffy's statements. As members will know, the South Australian office, presently established and investigating South Australian references (those matters that have been referred by the Attorney-General and the South Australian Government), requires funds from the State—and quite considerable funds, I might add, running into some millions of dollars. To the extent that the Commonwealth is picking up responsibility in this area, I will be delighted. We felt from the beginning that, although State references were obviously facilitated by the establishment of the office, a Commonwealth contribution would have been a very important factor. So, we are naturally keenly interested in the breakdown of those figures as between the various initiatives announced by the Federal Government.

EXPIATION FEES

Mr FERGUSON (Henley Beach): I direct my question to the Minister representing the Minister of Local Government. Will the Minister inform the House whether consideration has been given to increasing the expiation fees that are currently set at $20 in section 748 *(a)* to section 748 *(d)* in the Local Government Act for people found to be deliberately littering? The Parliamentary Library has researched this matter for me and has contacted the following councils:

Brighton, Glenelg, Henley and Grange, Marion, Munno Para, Noarlunga, Port Adelaide, West Torrens and Woodville. The general opinion is that littering is not the problem that it used to be, but an increase in the expiation fees from $20 to $50 would bring the fees into line with expiation fees for dog offences. This would be convenient for councils.

The Hon. M.D. RANN: I thank the honourable member for Henley Beach for that question. I have contacted the Minister of Local Government and I am sure that the House will be most interested in her reply. The expiation fee for littering offences has, of course, remained at $20 since 1976. As the honourable member indicated, littering is no longer as great a problem in the metropolitan area as it was at that time—thanks in large part to the thrust and program of the Keep South Australia Beautiful campaign. However, we cannot rest on our laurels. In rural areas some councils are expressing concern about litter deposited at regular intervals on the outskirts of major town centres. Therefore, there is no reason for complacency. It is intended that the expiation fee be increased to at least $50. Councils are presently considering proposals by my colleague the Minister for Local Government to introduce amendments that will, among other things, bring together the separate expiation powers contained in section 748 *(d)* and section 794 *(a)* of the Local Government Act.

The proposed amendments will consolidate the present provisions relating to the expiation of local government offences created in the Act, regulations and council by-laws and bring all expiation fees together into one new set of regulations, which will replace the regulations in the schedule setting out expiation fees for parking offences in the parking regulations. Prior to this exercise, all expiation fees will undergo review and following the introduction of the new regulations, steps will be taken periodically to upgrade the level of all expiation fees by reference to annual CPI increases.

HOUSING TRUST RENTS

Mr BECKER (Hanson): I direct my question to the Minister of Housing and Construction. In view of the statement last night by the Federal Treasurer that the $2.50 a week increase to pensions will be introduced to offset the new standard charge of $2.50 per medical prescription, and the Prime Minister's promise this morning that 'no pensioner should be worse off as a result of this decision', are pensioner tenants of the Housing Trust safe to assume this additional pension income will not be used in assessing their rentals?

The Hon. M.K. MAYES: I thank the honourable member for this very important question. It is of great importance to all trust tenants and, of course, to the community. This is a difficult dilemma, because the CSHA requires us to charge a cost recovery rent which, of course, is based on the income arrangement with regard to a tenant's income. The Commonwealth has included this as income. We are not quite sure when this will be paid, it is unclear at this stage. It may be later in the year or early next year, which is more likely. I am very cautious and very sensitive to this issue. However, because many people may not receive a real increase in income—and there may be some who do—we must take up the issue with the Federal Minister to get a clear indication from the Federal Government how we are to interpret this move and what we are to do in relation to our arrangements regarding the CSHA. We are between a rock and a hard place, and we have been put there, unfortunately, because of the Commonwealth's announcement with regard to this additional pension income.

Indeed, I will be taking it up so that, if the Commonwealth insists on a CSHA arrangement being enforced, it will compensate us in terms of that income so that pensioners do not suffer any loss of income in real terms. We have to be very careful, but I can assure the honourable member's constituents—I am sure he is making the inquiry on their behalf—that we will deal with this sensitively and will endeavour to ensure that pensioners are not in any way jeopardised or that their real income is not reduced.

If we are to apply the CSHA as it is set out and interpret it in regard to cost recovery in terms of rent, the income that the trust would have to forgo as part of the announcement made by the Federal Government would be about $2.1 million. It is a significant amount of money. Built onto the trust's $30 million operating deficit, it is no small amount, and it is one that we have to take into account. I assure the honourable member and all trust tenants throughout the State, particularly pensioner tenants, that the Government will do everything in its power to ensure that they are not in any way put in a detrimental position as a consequence of this announcement.

RIVER MURRAY

Mr HOLLOWAY (Mitchell): I direct my question to the Minister of Water Resources. What plans are being considered to stop the dumping of sewage from riverboats into the River Murray? I refer to an article in today's *Advertiser* which is entitled 'Operators slam riverboat tank sewerage plan' and which observes:

> A proposal to make compulsory the carrying of sullage and sewerage tanks by all vessels with sleeping accommodation on the River Murray has been branded as 'stupid' and 'terrifying' by boat operators. Mr Gary von Bertouch of Swan Houseboats, Berri said there was no justification for the proposal.
>
> Mr von Bertouch said the tanks could affect the safety of some boats and has called on the boating industry to lobby against the proposal.

The Hon. S.M. LENEHAN: I thank the honourable member for his ongoing and long interest in the quality of water in the Murray-Darling Basin. This article in the paper this morning relates to a recent meeting that was convened by the Murray-Darling Basin Commission. In fact, the commission has been working to develop a joint coordinated approach between the States so that a policy for river vessel waste disposal can be developed. It is not proposed, under the commission's calling of this meeting, in any way to exclude, diminish or frustrate opportunities for boating on inland waterways but rather to ensure that boating activities carried out on the River Murray are not enjoyed at the expense of the other users of the river.

The meeting that was convened by the Murray-Darling Basin Commission with the Maritime Services Board and the relevant State authorities was to discuss the practical implications and procedures for gazetting the River Murray as a pump ashore zone for vessels using the river. The meeting unanimously resolved to do the following:

- to endorse gazettal of the whole River Murray as a pump ashore zone for both sewage and sullage from 1 January 1991;
- to allow a two-year period of grace from the date of gazettal after which all designated vessels operating on the River Murray will be required to be equipped with storage tanks to contain both sewage and sullage wastes;
- to allow vessels stationed outside existing pump ashore zones at the time of gazettal to demonstrate acceptable alternative methods of containment of sewage and sullage for land-based disposal; and
- to require designated vessles to dispose of wastes to registered private or public shore facilities.

The provisions shall apply to any commercial or private vessel which has toilet facilities, a galley or sleeping accommodation. The article this morning clearly picked up an argument that holding tanks would give off odours, create hazardous explosive conditions and destabilise river vessels, and there are valid grounds for these concerns in poorly designed and inexpertly constructed river vessels. However, the design and construction of houseboats is controlled and regulated by licensing to ensure that there need be no concern for public health, welfare and safety as a result of controls over waste containment and disposal. Alternative arrangements for some vessels are provided for in the regulations.

I am disappointed if the response reported in this morning's paper is accurate, because there has been no policy to force these regulations onto the industry without adequate consultation and without allowing a transition period which would ensure that all boats can meet what will be standard regulations right across the basin.

I remind members that we in South Australia demand the very highest quality of water flowing across our border. Therefore, it is imperative that we ensure that we get our own house in order. As the member for Murray-Mallee will attest, we are moving to ensure that no effluent will be pumped into the river from July next year from any of the Murray River towns so that we can go to these discussions—both at commission and council level—and be able to demand the highest quality and standard of water entering South Australia. In the final analysis, many South Australians actually drink the water from the Murray River.

DRUGS IN SCHOOLS

Mr BRINDAL (Hayward): My question is directed to the Minister of Education. Do Education Department guidelines allow deputy principals of schools to swear students to secrecy and warn them not to tell their parents about illegal drug use and dealing in State schools; and, if not, will he order an urgent investigation into claims published this week that the deputy principal of an inner western suburban high school had acted in such a manner?

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I can only repeat what I said yesterday in this House about this matter. There are very strict guidelines. If the honourable member wants to make available to me the information that he has or from other sources (including newspapers), it will be investigated thoroughly, first, by the police, as it should be, and then in accordance with departmental regulations. As I said yesterday, our schools will not and do not tolerate illegal drugs in or around their establishments. This is a police matter and, if the media, the Opposition or anyone else has evidence of illegal activities by students or others in or around our schools, those allegations should of course be reported to the police immediately. Schools are clearly required—

Mr Lewis interjecting:

The Hon. G.J. CRAFTER: If the honourable member listens—

The SPEAKER: Order!

The Hon. G.J. CRAFTER: —rather than displaying his own ignorance, he will hear my answer to the question. Schools are clearly required to involve the police when members of the public or students are suspected of selling or using drugs in our schools. There can be no clearer statement than that of the responsibilities of any staff member, any officer of the Education Department, with respect to reporting these matters within the department and of course to the Police Department. I repeat: we simply will not tolerate drugs in or around our schools and, where there is suspicion or an allegation of drugs, there is an absolute obligation on those in authority to report to their seniors and, of course, to the police.

HOUSING TRUST HOUSES

Mr De LAINE (Price): Will the Minister of Housing and Construction support the encouragement of Housing Trust tenants who live alone in three bedroom trust houses to transfer to more appropriate one or two bedroom units and so free up these three bedroom homes to accommodate needy families? Recently, my electorate secretary spoke with elderly Housing Trust tenants who live alone in three bedroom homes. They were reluctant to leave because they had lived in these houses for many years, even though the houses now are far too big and they cannot manage the upkeep of their large allotments. After my secretary explained to them the merits of transferring to more appropriate accommodation, with smaller rents and no upkeep on their part, plus other advantages of which they were not aware, they agreed to consider the move and discuss it with their families. In each case they agreed to transfer.

The Hon. M.K. MAYES: It is a good question from the member for Price and one in relation to which several points can be made in reply. The first point is that it is a sensitive issue for the people concerned; it has to be dealt with carefully and sensitively, because many of the people in three bedroom accommodation have been there for many years, have seen their families grow up there and are closely attached to the suburb, the house and the area surrounding the property. The trust is conscious of that and takes it into account in dealing with the issue of transfer of tenants, elderly tenants in particular, to smaller accommodation, that is, one and two bedroom units.

However, through a process of response from tenants, it does encourage those tenants to move if they so desire. Moving to smaller accommodation has many advantages both for the tenant, and also for the trust in terms of allowing flexibility in the use of the stock, and enabling younger people to come in and raise their families in a more suitable environment. Of course, the decision to move lies with the tenants, and consideration is also given to maintaining existing family and friend networks and local support services.

The trust takes into account the need to continue the social infrastructure support arrangements for those families in order to allow them to move comfortably and seek appropriate accommodation in a suitable location. Many of these people seek that support close to the three-bedroom house. Transferring to smaller accommodation also depends on the availability of the one and two-bedroom homes and, of course, that is a particularly high demand facility at the moment. Therefore, that matter must also be taken into account in terms of the supply of that type of accommodation.

In addition, whereas our tenancy staff would at present have about 1 200 tenants to deal with on a face-to-face basis, through restructuring our regional offices and the flattening of our management arrangements, we now have approximately 450 tenants under our housing managers. We believe that that will allow for a much better personal approach between our housing managers and elderly tenants, who will be better able to respond.

Finally, the decision rests upon the tenant: the tenant makes that decision, with support of the family and the

Housing Trust officers involved. We are encouraging people who desire to move from the larger homes to a more suitable accommodation and, again, it will be done on the basis of their desires.

AMBULANCE ATTENDANCE

Dr ARMITAGE (Adelaide): Does the Minister of Health find it acceptable that it can take almost an hour from the time of first notification for an ambulance to arrive at an Adelaide suburban high school to attend to a seriously injured student? If not, will he investigate two recent instances of such delays and take action to ensure they are not repeated in the general community?

Yesterday at 10.25 a.m. a student at the Parafield Gardens High School hit his head on a wall and immediately lapsed into unconsciousness. An ambulance was called within five minutes of the accident. However, it did not arrive until 11.20 a.m.—50 minutes after the boy was seriously injured and after a second call from the school to the ambulance service. Fortunately, the boy is recovering in hospital today. At the same school, on 7 August, a student broke a leg and, again, it took 50 minutes and two calls before an ambulance arrived. I have spoken to staff of the school this morning who are seriously concerned about the pressure that our ambulance services appear to be under, judging from these two instances.

The Hon. D.J. HOPGOOD: I must thank the intern for the fact that he has found his stethoscope finally. I have been sitting here on the front bench ever since the chief surgeon over there hung a white coat on him, waiting for a question, and finally I get it. Quite seriously, if the facts are as the honourable member has explained them and, if that were typical of the ambulance response, I would be very disturbed indeed. I cannot comment on the facts—they are certainly not typical of ambulance responses—but I will have them investigated.

RECYCLING

Mr HAMILTON (Albert Park): Will the Minister for Environment and Planning advise whether she is aware that a Western Australian company is considering the high temperature incineration of used motor vehicle tyres and making productive use of the by-products of that process, which includes the use of the heat generated? At its June meeting, ANZEC established a national task force to look at the options for waste lubricating oil and used motor vehicle tyres with respect to their collection, reuse and recycling.

The Hon. S.M. LENEHAN: I thank the honourable member for his question, and I think most members in this House would acknowledge his ongoing commitment to innovative solutions to environmental problems. I am aware of the Western Australian proposal, and I am also aware that the ANZEC Ministers conference has established a national task force to look at the recycling of lubricating oil and tyres, because I was the Minister who suggested this. The Chairman of the Waste Management Commission, Mr Mike Madigan, is chairing the national task force.

I believe that the task force will examine a range of options for the disposal of a number of substances and will certainly look carefully at the disposal of tyres. I will raise the matter personally with Mr Madigan and ask the task force to look closely at the proposal in Western Australia.

This is something which is being done extensively overseas. At the moment, in America, they are looking to establish some 20 plants using recycled tyres as a form of high energy incineration to produce energy for such purposes as heating, electricity generation, etc. I guess the concern that any environment Minister throughout the world has is what happens to the gases produced in such a high temperature incineration proposal. I had the opportunity of looking at such a plant while I was in Stockholm, Sweden, in May, and one of the things that has now been developed is the ability to extract flue gases which are detrimental to the environment, thus ensuring that the environment is not detrimentally affected by such a proposal.

The question therefore remains: what about the production of carbon dioxide with respect to greenhouse effects? At the end of the day, Ministers responsible for both the environment and energy will have to sit down and calculate whether it is better to generate electricity and heating using something that is now considered to be waste and is dumped in landfill, work out the amount of carbon dioxide produced and equate that to the current production of carbon dioxide through the traditional methods of creating power. I thank the honourable member for his question, which most certainly will be investigated by the national task force.

STATE TRANSPORT AUTHORITY

Mr S.G. EVANS (Davenport): My question is directed to the Minister of Transport. In view of the further 11.6 per cent reduction in the number of fare-paying passengers travelling on STA services in the past financial year, what was the operational subsidy paid by the Government to the authority in 1989-90 to cover the gap between the cost of providing services and revenue earned from them; and what is the STA's estimated operational deficit for this financial year? The figures indicate that there has been a decline in the number of fare-paying passengers during the past two years of 18 per cent. Figures provided yesterday in answer to a question on notice asked by the Leader of the Opposition are as follows:

Year	Number of Fare Paying Passengers
1987-88	57 345 000
1988-89	53 120 000
1989-90	46 968 000

The 1989-90 State budget estimated that the Government would have to pay the authority almost $125 million last financial year to cover its operating deficit.

The Hon. FRANK BLEVINS: I am somewhat disappointed in the member for Davenport, because the honourable member is aware that the rest of the answer to the Leader's question explained the reason for the drop in fare-paying passengers. There is no mystery—just do not collect fares any more from schoolchildren. The answer to the question stated that, and I was surprised and disappointed that the member for Davenport did not read out the whole answer. I thought that that was a great pity. I do not have at my fingertips the precise answers to the questions asked by the member for Davenport. I will give it some thought and get back to the House on the figures.

STATE TRANSPORT AUTHORITY

Mr De LAINE (Price): Will the Minister of Transport tell the House the latest patronage numbers, the latest blue-

collar/white-collar work force ratio, and the trend in the real operating costs of the State Transport Authority?

The Hon. FRANK BLEVINS: I thank the honourable member for his question: it has certainly jogged my memory since the previous question from the member for Davenport. I will supply those figures. I was surprised, when the honourable Leader released part of the answer to the question he asked me some time ago about the level of fare-paying passengers on the STA, that he did not release the whole answer to the media. The media, of course, very quickly caught on.

In fact, during the past financial year, patronage of the STA has increased very slightly. Nevertheless, even though it is only slight, it is a welcome increase, and the Government intends to keep the trend line moving up. For the information of the House, patronage in 1989-90 was 54.22 million journeys. The number of boardings during the financial year was 73 million. In both cases, there was a slight increase.

As regards the member for Price's question on staffing, again, I was upset to hear the Leader of the Opposition say that organisations such as the STA ought to reduce their white-collar work force. He said that these organisations have decimated the blue-collar work force and left the white-collar work force alone. The facts are quite to the contrary. In 1986, to take that as a base year, there was one white-collar worker in the STA for every 10 blue-collar workers. In June 1990 there was one white-collar worker for every 12 blue-collar workers.

So, the Leader is, of course, quite wrong. Between June 1986 and June 1990, STA head office staff has been reduced by 19.5 per cent, while blue-collar workers have been reduced by 6.3 per cent—again, a considerable difference from what the Leader said. In relation to STA operating costs, the total net call on State finances for 1989-90—and this may interest the member for Davenport—was $161 million. This compares with the 1985-86 projected results of $209.5 million.

This shows that the STA has reduced its net call on State funds by $48.5 million in real terms over the past five years. In addition, the cost of the STA's operation this year is expected to be $130 million, an increase of over 2.6 per cent on the previous year—which is well below the CPI. The point is that, if the Leader insists on giving out to the media and to the public at large figures that are incorrect on a simple perusal of the STA annual report or a simple question to me, what will happen over a period is that the Leader of the Opposition will lose credibility with the media and with the public.

An honourable member interjecting:

The Hon. FRANK BLEVINS: I am very happy to debate it—and this is the place to do it. Everything that the Leader has said about the STA is factually incorrect. The STA has many problems: we do not deny that. However, we are doing something about them. But, let us have a debate on the facts and not on the nonsense spoken by the Leader of the Opposition.

MINISTERIAL STATEMENT: LOCAL GOVERNMENT BOUNDARIES

The Hon. M.D. RANN (Minister of Employment and Further Education): I lay on the table a ministerial statement regarding local government boundaries, made earlier this afternoon in another place by the Minister of Local Government.

ADDRESS IN REPLY

The SPEAKER: I have to inform the House that His Excellency the Governor will be pleased to receive honourable members at 3.15 this afternoon for the purpose of presenting the Address in Reply. I ask the mover and seconder of the Address and such other members as care to accompany me to proceed to Government House for the purpose of presenting the Address.

[*Sitting suspended from 3.7 to 3.50 p.m.*]

The SPEAKER: I have to inform the House that, accompanied by the mover and seconder of the Address in Reply to the Governor's opening speech and by other members, I proceeded to Government House and there presented to His Excellency the Address adopted by the House on 15 August, to which His Excellency was pleased to make the following reply:

To the honourable Speaker and members of the House of Assembly. Thank you for the Address in Reply to the speech with which I opened the second session of the Forty-seventh Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray for God's blessing upon your deliberations.

PERSONAL EXPLANATION: MEMBER FOR PLAYFORD

Mr LEWIS (Murray-Mallee): I seek leave to make a personal explanation.

Leave granted.

Mr LEWIS: It was last evening, during the course of the adjournment debate in which the member for Playford drew attention to his relationship to a former member of this place, that resulted in my actions possibly being misunderstood, at least by the record if not by the assembled company. It is by some quirk of fate that I occupy this place in this Chamber.

Members interjecting:

The SPEAKER: Order! Leave has been granted.

Mr LEWIS: I understand that the place where I now sit was formerly occupied by a relative of the member for Playford, whose name was Quirke, and accordingly on the drawer where I sit in the Chamber is recorded the name of the member for Playford's relative, having the same family name as himself. I was compelled at the time to illustrate the point that his relative had sat in this place by displaying to him the point on the drawer—that is, the port in the bench—where the name appeared. In the record, however, it may appear that his use of the word 'drawers' (because there is another one lower down), could have been misconstrued as my trews. I would not want the record to show that, nor would I want the record to indicate that the member for Playford was anything other than sincere in his observance of the relevance of the information to which I had drawn his attention as it appeared on the drawer.

FENCES ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It amends the Fences Act 1975 (the Act) by dealing with the jurisdictional limits of courts concerned with fencing matters and by enabling a court of appeal to amend its original order to allow for any increase in fencing costs that occur during the period a decision was under appeal.

Section 13 of the Act sets out the jurisdictional limits of courts dealing with fencing matters. The pecuniary amounts set out in section 13 were originally linked to the normal jurisdictional limits in the local court. However, an amendment to the Local and District Criminal Courts Act has increased the monetary limits of the small claims jurisdiction and the Local Court of Limited Jurisdiction. The proposed amendment will ensure consistency between the Acts.

The second amendment has been suggested by the Senior Judge. The Senior Judge has indicated that possible injustices can occur where an appeal is instituted against a court's determination on a fencing matter. As a result of the time delays associated with an appeal, by the time the original decision of the court is confirmed by an appeal court, the fencing contractor may not be prepared to do the work for the amount originally quoted.

The current provisions of the Act do not allow a court to vary the original order to reflect any increase in contract price which may occur as a result of the appeal process. The Senior Judge has suggested that an amendment be made to the Act to enable a court to vary the original order in this manner.

The Government agrees that currently difficulties could arise in some cases where, due to the time involved in the appeal process, the original court order cannot be put into effect. Many of the potential difficulties will be avoided by the amendment to the Act to allow the court of appeal to vary the original order. I commend this Bill to honourable members.

Clauses 1 and 2 are formal.

Clause 3 inserts a new section after section 12. The new section empowers an appellate court to vary any determination as to the cost of fencing work to take account of any variations in the cost subsequent to the determination appealed against.

Clause 4 substitutes section 13 which deals with the jurisdiction of the local court under the Act. The substituted section provides that a local court of full jurisdiction has jurisdiction over proceedings involving a monetary claim exceeding the jurisdictional limits of local courts of limited jurisdiction. A local court of limited jurisdiction has jurisdiction over all other proceedings under the Act. The current section is to the same effect but refers to the specific amounts that constituted the jurisdictional limits at the time of the latest amendment to the Act in 1983. The current section also provides for small claims under the Act. Small claims can be provided for by ministerial notice under the Local and District Criminal Courts Act 1926.

Mr INGERSON secured the adjournment of the debate.

WORKCOVER

Adjourned debate on motion of Hon. R.J. Gregory:

That—

(a) a joint select committee be appointed—

(i) to review all aspects of the workers rehabilitation and compensation system (WorkCover); and

(ii) to recommend changes, if any, to the Workers Rehabilitation and Compensation Act to optimise WorkCover's effectiveness, taking into consideration that WorkCover should be a fully funded, economical, caring provider of workers rehabilitation and compensation, with the aim of increasing workplace safety;

(b) in the event of the joint select committee being appointed, the House of Assembly be represented thereon by three members of whom two shall form a quorum of House of Assembly members necessary to be present at all sittings of the committee;

(c) Standing Order No. 339 be so far suspended as to enable the joint select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence and documents being reported to the Parliament; and

(d) a message be sent to the Legislative Council transmitting parts *(a)* and *(b)*, and requesting its concurrence thereto and advising the Legislative Council of part *(c)*.

(Continued from 21 August. Page .)

Mr INGERSON (Bragg): Last evening I started to say why the Opposition believes a select committee should inquire into WorkCover, referring to my concerns about the rehabilitation system. Today one company has made known to me its views about rehabilitation, pointing to five major areas of concern. The first concerns management and supervision, the second relates to the employee area generally, the third concerns doctors and medical experts, the fourth relates to attitudes to unions and how they fit into the system and the final point refers to rehabilitation providers.

I hope that those five issues, plus many other issues in the rehabilitation area, will be looked at properly by the select committee. There is no doubt that there are questions about charges in the medical expert area; and there is no question that there is concern in respect of rehabilitation providers. In the House some time ago I referred to an account from a company showing that a telephone call from one rehabilitation provider had been charged out at $25. I know that that is the sort of thing that has been repeated on many occasions and which must be examined thoroughly by a select committee.

I now refer to suspected fraud and levies and collections. I have received several letters suggesting that employees are being paid out under the WorkCover system and that employers are questioning the integrity of the injuries. I will cite one of the worst examples that has been made known to me. One small company, suspecting it was involved in WorkCover fraud, was advised recently, when its new levy was issued and a statement of claims was provided, that its claims to WorkCover amounted to $52 959. There was no consultation at all with the client—the company, that in the end had to pay—and the employee. As to the claim of fraud or misuse of the system, I highlight a comment made in a letter to me as follows:

> We asked for a full worker report on this claim, as we were given to understand that at the time of the accident that [the person] had received a slight knee injury only.

The company has now been billed for $52 959 for a slight knee injury. That is the sort of claim that has been repeated many times in the letters that I have received from those who are concerned about WorkCover. Another letter stated:

> I spoke personally to WorkCover on many occasions totally objecting to the time taken for . . . back injury and was simply told that it was the way the system worked . . . [the person] also repeatedly had asked when he was able to return to work as he felt quite fit and well. It seems to me that everyone in this corporation is covering their backsides and making sure that they stay in their jobs.

That case involved a claim of $25 000. Again, there was no consultation between the employer, the employee and WorkCover. There are many other examples of that type that I hope the select committee will look at.

I now refer to levy increases, a major concern of all the employers to whom I have talked. Many employers make

few claims but have been subjected to significant increases in levy. One letter states:

> Before WorkCover was introduced we paid $4 785 a year for all our insurance. Last year the cost was more than $11 000, despite their claim that employers with a better than average record would be granted a remission levy. This is a 230 per cent increase in our insurance cost in three years, and we have had not one claim from WorkCover.

Another letter is from a man whose levy was increased from 2.9 per cent, to 3.2 per cent and to 4.2 per cent. The letter states:

> From the inception of WorkCover, approximately 2½ years ago, he has paid $24 645, but has only claimed $4 500.

His major claim was for $4 100. The remainder were smaller claims. The letter further states:

> Despite this difference in levy and claims he has been informed that he is a high risk.

He paid to the insurance company $24 000, but the claims paid out amounted to $4 000 and he is described as a high risk. It does not seem to add up. Another letter is from a company that has paid out $84 000 to WorkCover and has claimed about $16 000. Clearly, that company is well in front in terms of the claim ratio but is still faced with a significant increase in the WorkCover levy from 4.5 per cent to 6.3 per cent. Generally, the levy for supermarkets has been increased from 1.8 per cent to 4. 2 per cent—a 133 per cent increase—and there is plenty of evidence before me to show that the claims ratio is small. Another gentleman who runs a small business indicated that his levy was to increase from 4.5 per cent to 6 per cent and he states:

> As for my own business, we have never made a claim against WorkCover, and given the current economic climate we are finding it more difficult each month to be a viable concern . . .

The taxi industry has encountered significant levy increases yet, in a letter to the industry, WorkCover indicates that 53 per cent of the dollar value of claims in the taxi industry are vehicular related; in other words, that percentage can be claimed back from SGIC in the third party personal injury area. However, the taxi industry has been subjected to significant levy increases.

There are so many anomalies in this whole area that it is frightening. Finally, I refer to a levy rate that I find quite astounding. Yesterday I was telephoned by a dry cleaner in the district of Albert Park. He has been in business for over 50 years and has made no claims on worker compensation. Last month he paid $800 and this month he paid $2 000. He has made no claims in over 50 years in business, yet this massive increase in his WorkCover levy has been imposed. That occurred because the industry is incorrectly classified. That person discussed the issue with WorkCover and was told that sometime in the future the matter would be examined again. However, that sort of problem comes up continually. In terms of bonus and penalty, there are many examples of people in the industry who have good claims records but who are still copping increases in the average levy rate.

I accept that some industries have enjoyed significant reductions. However, it is not that area that we need to consider: it is all the other smaller businesses which are propping up this State in terms of industry growth and employment and which have been hit directly by the increase in the WorkCover levy. It is the husband and wife businesses, the small companies, those which employ between six and 20 people which are copping all these increases. They are asking me, 'Why is it that we have to pay the same high manufacturing rate for clerical staff as we have to pay for those on the manufacturing floor?' Under the old system they did not have to do that; there was a graded system to recognise the differences in conditions and the number of likely claims. There is no flexibility in this system, and I hope that the select committee will consider that matter.

There are many areas that we need to consider, such as the funding, the $23 million blow-out that was announced by the General Manager of WorkCover in recent months, the way in which the actuarial reports are compiled, the board structure and, indeed, the whole Act. Representation is the best way to go and I support the motion.

The Hon. TED CHAPMAN (Alexandra): I, too, support the motion. In fact, I was just talking to one of my elder colleagues in this place and he reminded me that, as far as he could recall—and certainly as far as I can recall—no Government in this Parliament over the past 20 years or so has supported a motion to set up a select committee to inquire into the functions of one of its own departments. I would have thought the very fact that this has occurred in this instance is a clear admission that this particular department, or at least a division of it, has gone off the rails. It has taken a hell of a long time for the Government to recognise that that is the case, but I support its efforts, albeit belated, to smarten up the WorkCover administration in South Australia.

I do not want to recanvass the matters raised by our spokesman on industrial affairs, Mr Graham Ingerson, who has cited a number of examples where the department has gone off the rails and where it is costing small, medium and large businesses in this State an enormous amount of money. In fact, it is a recipe for destroying industry incentive *per se.* I have had a fair bit of experience with the previous system of workers compensation and, whilst that had a few holes, the present system is clearly a sieve.

An honourable member: I think you are fairly safe.

The Hon. TED CHAPMAN: I have just been reassured by one of my colleagues that my earlier remarks are pretty safe as far as he can recall—and he has been here longer than anyone else. Whether it be WorkCover or any other subsequent tag that is given to a system of proper and fair compensation for employees on industrial sites, before that system can be effective for all the parties concerned, all those parties must subscribe to the premiums. It is quite improper, unfair and, in the long term, unworkable, for the employer entirely to subscribe to the system of compensation for the employee. When we have a situation in South Australia where the employee makes some, albeit token, contributions to the premiums, the employee will have a vested interest in that system working. When we have a system where the employee realises as much, but certainly not more, on compensation as his or her colleagues receive on the shop floor, we will have some inbuilt incentive for the employee to return to work voluntarily and as soon as possible after recovering from the respective injury.

At this stage we have, and for a number of years in this State we have had, neither of those ingredients. We have had a situation where the employer puts in all the premium that is required. That, in turn, cultivates the 'them' and 'us' relationship between employer and employee, not a genuine, joint interest in the proper protection of the employees. And while we have a situation where the employee recovers more net return away from the site of employment than do the employees on the site, there is a disastrous disincentive to the covering of employees' welfare. So, on those two points alone, I think an inquiry into WorkCover, the current tag given to our employee compensation system in South Australia, is justified. I would hope that out of it, if nothing else, a formula could be derived wherein the payments to employees are not higher off the job than the genuine

payments for employment on the job, as is clearly not the situation at present.

I would hope that, in any review of WorkCover, somewhere, somehow, the requirement of establishing an employer-employee relationship before one can qualify for workers compensation should be so far adjusted as to cover members of Parliament under the WorkCover system, or the relevant workers compensation arrangements.

Mr Ferguson: We are covered.

The Hon. TED CHAPMAN: The member for Henley Beach says, 'We are covered.' We are not covered under WorkCover; neither you, Mr Speaker, nor any of the members of this House are covered under WorkCover. By *ex gratia* arrangement Governments have given an undertaking to treat members of Parliament as if they were covered, but they are not.

Mr Ferguson interjecting:

The Hon. TED CHAPMAN: I acknowledge the late agreement by the member for Henley Beach to my explanation, but I do not believe that that is satisfactory, even given that undertaking, and the fact that there is no doubt that Governments of all persuasions would honour such an undertaking. I do not want to debate that point further at the moment for obvious reasons. As a matter of general principle, it is an area that, in all fairness, needs to be tidied up.

Without running the risk of involving myself personally in this matter, but on a matter of principle—and it applies to all members of Parliament—I suggest that it would be absolutely disastrous for the family, the wife, or the children of a member if, as a result of an accident, that member were rendered a vegetable—not dead but unable to continue in his or her capacity as a member of Parliament because they could no longer effectively, or even attempt to, negotiate a situation on their own behalf. For the family and the connections, it would be a nightmare. I make that comment after having had several years of fair treatment by the Government but in a quite traumatic situation that I would not wish on anyone of any political persuasion. The WorkCover situation, in relation to members of Parliament, or indeed employee fair cover, is a dog's breakfast at present; it is most unsatisfactory for any member of whatever persuasion.

I hope, therefore, that any select committee inquiry into the operations of WorkCover will address that subject so that the correct procedures are clearly understood and so that no Ministers or members are floundering in the dark as to how often important and sensitive matters should be addressed in the future.

As the Minister obviously has the support of his Government, and as our lead speaker has indicated the support of the Opposition for the motion to set up a select committee, there is not much advantage at this stage in my expanding the subject into a lot of detail. Whilst I could cite examples of constituents complaining bitterly about dissatisfaction with WorkCover and sheer frustration, there seems to be little point in pursuing those examples just for the sake of putting them on the record. Also, I happen to have in the Parliament at the moment a very important visitor from interstate who is about to leave this country to go overseas and I would like to spend just a little time with him. So, I will leave the rest of the detail on this subject, as important as it may be, to my colleagues on this side of the House. I support the motion.

Mr FERGUSON (Henley Beach): I support the motion to refer this matter to a select committee. I refer, first, to the member for Bragg's contribution and hopes as to which way this inquiry may go. In the time that I have been in this House, whenever the subject of WorkCover—or, in earlier days, workers compensation—has been mentioned, there has never been an occasion when the Liberal Party has not advocated a reduction in benefits under either scheme. Because this matter was going to a select committee, I thought that perhaps we would have been spared remarks of this nature from the Opposition in its desire to reduce the benefits under WorkCover. However, I cannot let the remarks of the member for Bragg go without comment. Referring to rehabilitation, which this scheme was designed to bring about for the first time as far as compensation in South Australia is concerned, the honourable member said:

> Secondly, whilst South Australia had in the past a superior rehabilitation scheme, there was evidence to show that there has been considerable deterioration in the rehabilitation of injured workers.

Mr Ingerson: That was the actuary's report.

Mr FERGUSON: The honourable member was quoting from the actuary's report and I think he was using that report to suggest that the rehabilitation scheme was something he would like to look at. He followed that up in his remarks this afternoon by referring to his and his Party's dissatisfaction with rehabilitation, particularly the costs involved.

I have mentioned to this House before that, with the introduction of WorkCover, this State has really looked at the question of rehabilitation for the first time. In theory, rehabilitation was available under the previous workers compensation legislation, but I assure the House that that legislation was a failure and only worked in very rare circumstances.

As an official of the Printing and Kindred Industries Union, I was in charge of workers compensation and I had a very close working relationship with employers, insurance companies, injured employees and our own firm of solicitors. Almost without exception, the employers, through their insurance companies, were not in the least bit interested in rehabilitation: they merely wanted to get rid of the problem of the worker who was on compensation. There were many back-handed, if I might say, redundancy payments using workers compensation as a means of making a lump sum payment on the agreement that the person concerned never applied for work with the firm at which he was injured. So, the old Workers Compensation Act mitigated against rehabilitation, and it is to the credit of those people who introduced the WorkCover legislation that they have at least attempted to include rehabilitation in their armoury in order to assist people to get back to work.

Mr Ingerson: But does it work?

Mr FERGUSON: The member for Bragg asks, 'Does it work?' I suggest that he go back and look at what was happening to injured workers who, perhaps having sustained a back injury, did not want to accept a lump sum payment, but wanted to continue working. Some of them were not very old; some were in their 20s, some in their 30s and some in their 40s, but they were forced under the old system to accept a lump sum payment which almost finished forever their working life. I suggest that the system we have now is far better than the previous one.

As far as fraud is concerned, I object to the member for Bragg mentioning one or two such cases and then using them as justification for attacking the system as a whole. I hope that the honourable member, when he gives evidence before the select committee—and I sincerely hope that he does—

Mr Ingerson: I am on it.

Mr FERGUSON: By interjection, the honourable member says that he is on it. That will not prevent him from giving evidence to the committee, and I hope that he comes up with names, places and actual incidents to prove the fraud he suggests is taking place, and that he does not suggest by innuendo that certain things are happening and then uses those instances to rubbish the whole system.

The honourable member referred to the New South Wales and Victorian schemes and suggested that under our present scheme, if the costs are to be kept under any sort of control, we must look very closely at those systems. He went on to say that our present system will have to be severely modified—and those were his very words. The New South Wales and Victorian schemes are very inferior to the scheme we have running in South Australia.

Once more, we have the Liberal Party in this House suggesting that there be a reduction in benefits. Every time legislation of this sort comes before the House, the Liberal Party suggests that the benefits should be modified. Nothing was said about what the workers of South Australia had actually given up in order to obtain this Act. The workers of South Australia substantially gave up the right to use common law, and did so in order to gain the Act we have before us. It would be grossly unfair, after having made that bargain and having given away their rights under common law for this Act, if this Act were to be severely modified. There has been no suggestion from the Liberal Party that the workers ought to have their rights in common law returned to them.

The member for Bragg wants it both ways: he wants to be able to eliminate common law, on the one hand, and reduce benefits, on the other. This is the thing that annoys me severely when it comes to these debates. Further, when we have a debate on WorkCover in this House members of the Opposition never talk about safe work practices, and never talk about what the conduct of employers in the workplace should be, but always complain bitterly about the increases in the price of WorkCover.

Members opposite should at least show some concern, but the only thing we get from them is a continuous complaint about increases in costs. When the changeover to WorkCover came and the private insurance companies had to surrender their rights to WorkCover, the premiums in that final year had increased by 20 per cent, yet the comparisons being made by members of the Opposition, as against the costs that are now applying with WorkCover, are based on that historical aspect—the costs as they were. What they ought to be calculating is what the costs really would be if the private insurance companies had continued to be involved. Members opposite ought to have a very good look at that.

I could not understand the contribution made by the member for Alexandra, nor could I believe that he was being fair dinkum in suggesting that employees should be contributing towards their own workers compensation. I find that suggestion absolutely incredible. We may as well say that employees should be deducting a certain amount of money from their pay-packets every week so that the employer can show a decent profit at the end of the financial year. That would make as much sense.

When he has the opportunity, I should like the spokesman for the Liberal Party to tell me whether he agrees with the member for Alexandra that employees out in the workshop ought to be levied in order to pay their own workers compensation. I have never heard anything so ridiculous in my life, and it shows an absolute lack of knowledge of the history of workers compensation and how it has evolved over the years. It seems to me that it would be an absolute disincentive for an employer to make his workplace safe if he knew that his employees would be contributing to any injuries they might sustain while they were in the workplace. I find that totally unacceptable.

I hope that, when this select committee meets, members of the Opposition who will form part of that committee provide it with some positive plan in relation to rehabilitation. All we have so far is a series of criticisms with no alternative. Very often in this House we hear members of the Opposition criticising Government policy, yet not providing us with an alternative.

In this situation, the Opposition spokesman for industrial affairs has told us that he has received a great deal of correspondence in regard to criticisms of rehabilitation, yet it is the easiest thing in the world for someone to stand up and criticise. I should like him to think about the way in which rehabilitation can occur, so that a worker can genuinely recover and be able to go back and take his place in the work force.

I have covered everything that I should like to say about this topic. I hope that any further debate in this regard takes place on a positive and not a negative note. Instead of continually making complaints about the way in which WorkCover is being run, we ought to obtain suggestions from the other side as to the way in which members opposite would like to see WorkCover operate, with a particular emphasis on rehabilitation.

The Hon. P.B. ARNOLD (Chaffey): I very strongly support this motion to review all aspects of the workers rehabilitation and compensation system. My electorate contains many small fruitgrowing properties and small business enterprises, and virtually every one of them is a contributor to the WorkCover system. The member for Henley Beach has suggested that most of the complaints about the system come from the employers. I make contact with the WorkCover office from my electorate office at least once a week, and 90 per cent of the time the calls I make are on behalf of employees who are complaining about the performance of WorkCover—the lack of payment and the bungles that occur within the system. It is a nightmare for employers and it is a nightmare for employees. However, above all, it is a nightmare for WorkCover staff because of the number of complaints that they have to deal with every day of the week, every time a member of Parliament rings on behalf of a constituent. I think they feel utter despair about the position in which they find themselves.

Many employers—and I am talking about small employers like fruitgrowers, those who are in a position to rearrange their properties and the manner in which they produce their crop, those who have the opportunity to mechanise for the purpose of doing away with employees totally—are certainly working very hard towards that end, partly because of the hassles they experience with WorkCover and the cost involved. It is a tragedy for the people of Australia that industry is being forced—and I refer, in particular, to small employers—to do whatever it can to get rid of employees because of the nature of the system operating in this country. One finds that in the wine grape growing industry, in particular, growers are doing everything they possibly can to pull out plantings that cannot be machine pruned and harvested for the purpose of, in the main, doing away with employees. The primary reason for that is the hassles they are experiencing with WorkCover.

Last week in this place I referred to two examples of small business operations—I regard them as small businesses compared with nationwide enterprises. In one instance to which I referred, involving a small engineering works in

Loxton that has, over the past 32 months, contributed $41 000 in premiums, its claims have been a fraction over $2 000 for the same period. Given that it has a very safe workplace—and the record shows that to be true—for the member for Henley Beach to suggest that all employers operate an unsafe workplace is absolutely absurd and shows that he is viewing the whole situation with tunnel vision. That is a glorious example of the massive contribution and effort that one small business is making, and yet its premium is going from 4.5 per cent to 6 per cent. That is absolutely absurd and it is no wonder that employers are objecting. I also referred to a transport operator, who has a safety record similar to that of the Loxton Engineering Works, and that employer's premium percentage is going up by almost 50 per cent. How on earth can those operators be expected to survive under those conditions?

Let me just consider for a moment the situation from the other side of the fence: the employees. I have a letter from a constituent, who states:

> I am writing to you due to what I feel to be an injustice in the current legislation in the Workers Rehabilitation and Compensation Act 1986, which I believe needs to be modified. I am 30 years old, married with one child aged 10 months. Up until 17 October 1989 I was employed as a second class welder when, while working I sustained a serious back injury which resulted in two prolapsed and one bulged disc in the lower lumbar region of my spine, this injury debilated my working capacity by 50 per cent. Previous to my injury I was earning $246.10 clear per week, however I needed to supplement this income by fruit picking in order to maintain a satisfactory standard of living for my family. For the past 15 months I have been receiving my basic wage of $246.10 clear as I am totally incapacitated for work.

That percentage of income will reduce to 80 per cent. However, the point being made is that the wage that that constituent is able to earn as a second class welder is not sufficient to keep him and his family in the manner that he believes is appropriate. Therefore, he goes out on weekends and at other times and does additional work. What is more, one finds that in those situations usually the wife does likewise. The problem is that there is no way, even with the provisions of this legislation, that that person has any chance of surviving and maintaining a house and making payments that were in place prior to the injury.

I have other very similar examples that clearly indicate that this situation is not just one sided: those on both sides of the fence—the employer and the employee—are totally dissatisfied with the legislation as it is and as it was brought into this House by the Government when it replaced the previous workers compensation system, whereby cover was provided by private insurance companies. No-one is saying that that system was perfect—it was a long way from it—but at least there was some competition between the various insurance companies. At least a person employing people, if he or she was not safisfied with the premium they were paying to one company, had the opportunity to go to another company. I did that on numerous occasions and reduced the premium that I was paying. As a small business person, on many occasions I was able to reduce my premium by anything from $1 000 to $1 500 by going from one insurance company to another.

For the member for Henley Beach to suggest that there are no rorts in the system is incorrect. There are some enormous rorts and they can be sorted out only by WorkCover itself. I have a further letter from a small business employer. The company is involved in canvass and vinyl products. My constituent writes to me as follows:

> After being an employee in the work force for the past 20 years, I now run my own business and therefore I am now an employer. I have very quickly come to understand problems employers face under these policies of the Labor Government. As I have a close working relationship with my staff, they too are aware of the problems which an employer faces . . . In relation to WorkCover, my rate for the 1990 financial year was 3.8 per cent and has subsequently been raised to 4.7 per cent for 1991.
>
> One of my staff is a permanent office worker and I fail to see why I should be required to pay these rates for that person. We have inquired with the WorkCover department, whose only comment was that employers throughout the whole State were in the same position, that is, that there are no separate rates in any one industry.

That in itself is quite ludicrous when one has people working in the office or welders working in the factory part of the business if they are forced to take out the same level of premium to cover those people. The letter continues:

> Due to these problems, I can only employ minimal staff, which in turn requires me to book work in at least one month in advance. This situation obviously causes some dissatisfaction with certain customers. If our Government would like us to employ to reduce the unemployment, then they obviously must take a liberal attitude to create some incentive to employ.
>
> Perhaps the WorkCover rates would not be at such a high level if all claims were investigated thoroughly by experienced investigators. As an ex-investigator with the Police Department, I am aware that there are a number of qualified experienced private investigators who are capable of handling this type of work. It is a known fact that many Government employed investigators feel that they can operate from an office desk without venturing into the field. It is my opinion that if the Government initially expended a quantity of money to start thorough investigations, then this money would quickly be recouped from false claimants. Therefore, this would obviously reduce all WorkCover rates over a period of time.

I think that indicates the problems of both employers and employees. For those reasons, I strongly support the motion.

Mr S.G. EVANS (Davenport): I support the proposal that a joint select committee be appointed to review all aspects of the workers rehabilitation and compensation system (WorkCover) and the other factors included in the motion. There is no doubt that many employees and employers are worried about the way that WorkCover is going. If we have a set of circumstances like that when we, as a State, are competing with other States to keep businesses here or to encourage businesses to progress, even to export, in order to survive in our tough economic climate, it is important to find the reasons for the discontent. It is no use the Minister, the Government or WorkCover officials saying that there is no problem and that all the other people are wrong. That is not acceptable. It is not even commonsense, although that might be difficult to define, as the Deputy Premier often reminds us.

The member for Henley Beach asked what the Opposition would do about compensation, and more particularly rehabilitation. A clear example of the concerns of people in the whole country regarding exploitation of the situation, if that is possible, was last night's budget, which was brought down by a Federal Labor Government. That clearly states that people on pensions or sickness benefits, or invalidity benefits in particular, will not get it so easy in future, because the Federal Government believes that they have been exploiting the system and it intends to force them to get back into the work force either full or part-time. That is a clear indication that the Federal Labor Government realises that there are people who will exploit the system, if given the opportunity. There is no doubt that that has occurred with WorkCover.

I do not wish to go through the individual complaints that have been made to me. I read one into *Hansard* recently, but I cannot refer to that because it was in a debate in this Parliament. However, I wonder whether the people who work in so-called rehabilitation want to solve the problem. Of course, if they solve the problem altogether, they will not have as many clients and they may not have as much employment. We need to be conscious of that.

When those in the rehabilitation section write to an employer and say, 'If you take on Joe Bloggs and give him a job, we will carry the cost of employing him for two months, and then, if he proves suitable, you take him on, or, if he does not prove suitable, forget about it,' it is a joke. It is a joke, especially when the employer believes that he has already been ripped off by WorkCover by a massive increase in the rate from 4.5 per cent to 9 per cent with the extra levy claiming that it is an unsafe industry. WorkCover says, 'If you do this, we will look at the rate and we might reduce it.' That is a form of industrial blackmail. It is an improper approach to make to anybody, and we should all condemn that sort of approach.

There is no doubt that, once we eliminate the opportunity for people to shop at more than one place, we create the opportunity for exploitation of individuals. I have always been against monopolistic or communist systems for that reason. I wrote an article in 1980 which appeared in the *Sunday Mail* and was attacked because of it by all sides of politics, but it is the truth. If people can get a better deal financially (or, as far as the employee is concerned, in rehabilitation or compensation), from a source other than WorkCover, we should let them do it. If WorkCover thinks that it has got it all to itself, there is no reason for it to be efficient. There will be no incentive to be efficient, especially if it is protected by a Government which believes that, to use an Aussie term, it is the ants pants of all compensation organisations.

There is a need for a select committee, a tough investigation into WorkCover, and a way to reduce the costs overall. We are not in a happy position as a country, and comparatively as a State we are in a worse position. In particular, if the motor car industry suffers as a result of last night's budget, we shall have a massive problem in this State. That is one of the predictions. We cannot afford to have any employer say, 'I will try to avoid employing people; I will find another way of doing it.' If people are in business and are forced to register with WorkCover because they are a company—it might be a husband and wife team—and they are getting to the point where they could employ somebody else, would they really consider it and give it a thought? Yet, all sides of politics argue that the biggest employers overall in terms of numbers of employees have in the past been small businesses.

I do not believe that it always will be in future. I think that will change dramatically for other reasons, to which I shall refer in another debate, such as all the paraphernalia and forms that the Government send out to people to fill in and return to the Australian Bureau of Statistics. We need to think about the effect that we have upon the overall economy of the State. It is no use trying to create a perfect situation for 30 per cent of the work force and having another 30 per cent at the bottom end unsure as to whether they will have a job in future.

I know it is hard for the Government, which has established WorkCover, to accept that the corporation is unsatisfactory. It is also hard for the Government to accept that some people will exploit the system. It does not like to know that but, as long as there have been human beings, that has occurred and sometimes one has to be unkind and tough to a few people to make sure that the system works for the benefit of the majority of people.

We need to be conscious of that, and I intend to finish with this final point. When I was doorknocking for the Custance by-election I called upon a small craft industry in Riverton. We are constantly hearing that people should go to the country, be involved in decentralisation and create jobs for people with skills who are able to buy a house for a reasonable price—between $25 000 and $35 000. The pottery at Riverton makes magnificent pieces. Suddenly, this small operation has its WorkCover rate pushed to about 6 per cent. No workers have sustained injuries but, because it is tied to some other manufacturing area or brickmaking, the levy has increased.

There can be no sense in hitting a craft occupation where often no more than two or three craftpeople are working together. In this case about eight people are involved in what is an important business in a town like that, utilising a resource outside the metropolitan area and not making demands on public transport or other facilities, as metropolitan people do. The levy increase is amazing.

I support the setting up of a select committee and I trust that the committee operates in the toughest possible way and applies as much endeavour as possible to seek a solution to what I see as a serious problem impacting on the overall economy of the State, on the jobs of many people and on the businesses of others.

Mr GUNN (Eyre): Much has been said already and I intend to be brief, but I have had experience in employing people over a considerable time. Certainly, WorkCover has excelled itself as one of the greatest producers of paper and bureaucratic procedures that I have come across. WorkCover is a new organisation, but the people administering it appear to have an attitude that they write threatening letters to people as part of their normal business practice.

If anyone in the private insurance sector adopted that tactic, they would not have many clients. Any organisation that does not have competition immediately seems to adopt the attitude, 'We know best, and you shall do as we say, or else.' That attitude is not conducive to good public relations, good relationships with clients or good administration. At the end of the day people still have to deal with the organisation. The select committee will afford Parliament the opportunity to reassess and re-evaluate the decision made some time ago.

WorkCover operations should be contracted out to private industry. Based on my experience, I do not believe that the Government can provide services and facilities as well as private enterprise. In all my experience, Governments make a mess of things, even with the best will in the world and with the desire to solve difficult situations. We all agree that the previous workers compensation scheme left much to be desired, but it could have been rectified if commonsense had been applied.

WorkCover is a large organisation: it employs many people in the administration area. Its operations are obviously designed by public servants, given the nature of the material it sends out. I have not taken the trouble to read out some of the threatening letters sent out to people by WorkCover, but I easily could. We were told that WorkCover would save people much money. However, in the industry in which I am involved the levy has increased to 7.61 per cent and, the way things are going, it could go even higher.

Therefore, I believe that the Parliament should not miss the opportunity to restructure completely this organisation and make it more effective and efficient, and create a climate where it can be opened up to effective competition from the private sector. Many of the hassles and the unfortunate public controversy that surrounds WorkCover would start to abate and we might achieve an efficient and cost-effective organisation that provides facilities to the employer and a guarantee to employees. The member for Henley Beach worked himself up into a considerable lather on this matter for some unknown reason.

Mr Ingerson interjecting:

Mr GUNN: He got considerably excited about it. He claimed that people were trying to create an effective organisation when they established WorkCover. He put great emphasis on 'trying', but it was not a good try. Certainly, all the difficulties that have arisen were clearly highlighted in this Parliament: they were brought to the Minister's attention not once but at least twice in the two debates, but the Government failed to accept the Opposition's warning and now, after a great deal of resistance, the Government has agreed reluctantly to the establishment of this select committee.

I hope sincerely that a more effective, responsible and sensible organisation is created and that the difficulties that are currently encountered—the attitude, the bureaucracy and the unnecessary amount of red tape—can be eliminated to create an organisation that is effective and subject to competition. I support the motion to establish a select committee.

Mr LEWIS (Murray-Mallee): I do not have any intention of repeating anything that I have heard other members say this afternoon. I support the motion, which is long overdue. The legislation was ill advised in the first place. I recognise that this WorkCover is a sacred cow for the Labor Party and that members on the Government side of the Chamber have great difficulty beginning even to contemplate that there could be anything wrong with WorkCover, because they are so imbued with the principle that was embodied in the legislation from their standpoint.

None of them would have the guts to dare question that now, because it would cause them great embarrassment not only within their Caucus room but more particularly when it came time for consideration of their re-endorsement prior to the next election or, for that matter, any election. It is likely they would be chastised if they attempted to do so. I forgive them. What we need to do here in this place, now that the matter is to be examined by a select committee, is determine what it is that has to be discovered and do objectively, without there being any political witchhunt involved.

Members on this side of the House have encountered repeated claims through correspondence, telephone calls and anecdotal evidence about how the legislation has failed to achieve the goals that the Minister seriously and earnestly set before the House when he introduced the legislation. At that time I was one of the members who privately, and publicly on some occasions, commended the sincerity of the Minister and his desire to produce a system that would achieve the goals that he said the legislation would achieve.

Notwithstanding that, it was obvious to me from the outset that there were huge flaws in the fashion in which the organisation to be established by the legislation would function, not the least of which was the fact that it is an absolute monopoly, yet it is dealing with a subjective appraisal of values and fairness in a good many instances. None of those matters can be tested by the agencies of competition, as they are otherwise tested in our society. Competence, that is, the efficiency with which the tasks are performed, cannot be tested by competition either, as there is none.

I now wish to draw the attention of the House to the Standing Orders (page 73) and suggest that, where those Standing Orders are relevant they ought to be invoked by the select committee, particularly Standing Order 335, which provides:

> Whenever necessary, the House may give a committee power to send for persons, papers and records.

We will do that. Standing Order 336 provides:

> The Chairman of a select committee directs the secretary to summon the witnesses to be examined before that committee.

I cannot recall any witness ever being summoned against their inclination to appear. However, in my judgment in this instance certain people ought to be summoned to appear, not in any impolite or unkind fashion but in order to obtain evidence of the way in which things have happened where those things are relevant to the prevention of accidents in the workplace, the provision of adequate medical care, attention to people who suffer from those accidents and the rehabilitation of those people when they are being treated with a view to their being returned to the work force and to their lives as useful happy citizens. That anecdotal evidence could provide, on a case-by-case basis, the body of information essential for the committee to come to an objective appraisal of the subject matter and finally bring down a report to the House which would enable us as legislators, individually in our roles as representatives of the electorates and the people living in those electorates, to do better than has been done to date by this Parliament in addressing the problems which are identified and which we seek to treat through the legislation.

I hope, too, that in the process the Chairman of the committee would not gag members who were being responsible and reasonable in their questioning by exercising their prerogative powers under Standing Order 337 simply to rule out questions. It is clear to me that certain questions ought to be asked and, more particularly, they must be asked of randomly selected members of the front counter staff in WorkCover and other people who respond to inquiries from the public. At a moment's notice they could be requested to appear before the committee to explain what they have been instructed in their training to tell people who make inquiries about one or other of the aspects of the way in which WorkCover functions. They could be requested to answer such questions as how it affects the worker who is to be provided with help in obtaining treatment and rehabilitation; and how it is that the worker and/or the employer gets wages paid to the worker or reimbursed to the employer and what are the circumstances? I can tell the House that the way in which the Minister thinks it happens and tells us it is happening is not the way it is happening out there at the shop front where WorkCover inquiries are being answered.

The Minister, for reasons best known to him and his advisers, is not aware of the reality. He may have a better understanding of it at this point in time than he had previously, but clearly had he known, or been prepared to listen to members of the Opposition who wanted him to become aware and know, of the things that were being said by WorkCover staff, I am sure we would have seen his hair curl and the colour change.

To categorise employers by class is, to my mind, foolish. It would be better even if employers were to be categorised by class of employment and further categorised by performance. In the first instance workers and employers who have a good record should not be penalised with the odium of high premiums on their industry and their enterprise and, in the second instance, employers should not be categorised in terms of cost. If they have been responsible, and if their workplace safety record is good and the measures they have taken to establish, maintain and sustain it have been good, they should be rewarded through the premium mechanism. In other words, there needs to be a range across which premiums are fixed within any given category and subclass of that category according to performance.

So that the committee will know of my concern, and what has been drawn to my attention by my constituents, I point out that the premiums paid by employers are not related to

risk at all. The Minister at the table well knows it is quite crook, in the judgment of most people in our society—it certainly is in mine to require payments to be made on funds that are transferred from an employer to an employee on retirement. There is no further risk to WorkCover whatever. The money so paid to the employee by the employer should not be subject to the premium charge of WorkCover: WorkCover does not have a risk to cover. For the Minister to simply say, 'We have to get the money from somewhere,' is inane in the extreme. In my judgment, it is not a reasonable proposition to require people to pay just because they are there and for money to be subject to some payment of this kind just because it is changing hands. It is better for the charges, as in this case, or taxes for that matter, to be collected from the transactions which involve the risk that is being covered.

I believe it is foolish, unreasonable, and unfair on businesses that are closing their doors, and to the creditors of those businesses where liquidation or bankruptcy proceedings are in train, that they lose their rightful percentage payouts on their debts because WorkCover comes in and claims ahead on the basis that termination payments have to be made to employees from any residual cash as part of their wages. So, if those termination payments are made, the WorkCover premium has to be paid. The business has gone out of existence; it will not employ anyone any more. It has no further risk; it ceases to exist. Why on earth should a percentage of those termination payments—not retirement payments, not superannuation, but termination payments—in those circumstances, or in the general case of where an employee leaves the employ of any one particular business, be paid to WorkCover? No risk has to be covered, and it is not as if there were a risk incurred during the accrual of the liability. It certainly puts people who provide goods on credit to those categories of small business that are at greatest risk, in a position where they demand of those categories of small business cash payment for goods provided. They do not want to face the risk of there being no money in the till if the business runs into hard times and decides to liquidate or, if a single natural person is involved, or a partnership, to go bankrupt.

Let us turn now to casual workers. Wages of an injured person have to be paid. WorkCover staff have constantly told people making inquiries that their last employer must continue paying wages to the casual until he or she has recovered and is able to return to work. That is quite unjust, unrealistic and, in my judgment, quite foolish. It militates against anyone employing someone casually for fear that, on the second to last or last day of employment, for whatever reason—it may be the stress of the moment or something else—the worker loses concentration, injures himself, and the employer has to go on paying.

It may not be just for a week or a month. In circumstances drawn to my attention it has already gone on for over a year. That is stupid, because both the employer and the employee knew that there was less than two weeks work involved in the job when the employer first gave that job to the person who ended up being injured. So, there is a gravy train. In that instance, the employee was not necessarily being dishonest; I am simply saying that it was an unfair burden on the employer to have to continue to pay the employee. I emphasize that the employee was not necessarily being dishonest. It is equally likely that the employee in other circumstances might see it as a chance to get a year's wages without doing any work. It is not fair for the employer to be told by WorkCover staff when he makes inquiries that he has to continue to pay. Not every employer can afford legal advice, nor can they spare the time to go and get it.

It distresses me that no consideration was ever given to self-insurance where an across the board incremental wage increase would be given to all workers to meet the cost of a premium to cover themselves against personal accident at any time, whether at work or anywhere else. In that way, the extent to which they wished to insure their risk would be left in their hands and they could continue in the job to satisfy the law and the need to protect themselves against their own folly if, and only if, they could produce a certificate showing that they had paid a premium to cover themselves against personal accident whilst on the job. This certificate would have to be produced within one month of starting and, to my mind, would produce a much more efficient and effective way of securing for people their wages for the sustenance of their families and dependants during the time they were injured. The extent to which they wished to add on to that cover would be a matter of choice.

As the situation stands now, it is not possible for an employee to insure himself against personal accident at work because the law prohibits it—the law that we implemented to establish WorkCover. These are questions which other members to date have not raised and which I believe the committee should examine. I hope that it does so in the fashion that I have suggested without in any way being vindictive, so that the State will eventually be much better served by the amendments which the committee recommends when it brings down its report.

The Hon. B.C. EASTICK (Light): My colleague the member for Eyre drew attention to the generation of paper. I want to share briefly with the House the experience of one of my constituents, a person of Italian birth, who has been in Australia for over 30 years and runs a market garden. Within the past 10 days he received three items of correspondence in the same post, all being the same letter in three different envelopes.

When he was in my office on Monday, this gentleman also drew attention to the fact that for some months now, in an endeavour to overcome a claim, he has been in constant touch with WorkCover. He has sought to speak to the person whose name is on the bottom of the letters he has received—a Mr Reardon—but has always been told that he was not in the office, was not available or they would ask him to ring back. He received telephone calls from other people but never from Mr Reardon. On Monday of this week my constitutent was advised that he had not heard from Mr Reardon because he has not been with the department for 15 months, and that his name was on the bottom of the letters because it happens to be in the computer which processes the correspondence. This is a small thing, a ridiculous thing, but it indicates that something is gravely wrong with the ethics associated with WorkCover. I hope that this matter is but one of the many thousands of things that the committee will look at.

The Hon. R.J. GREGORY (Minister of Labour): I had the good fortune during the early part of this debate to read the member for Napier's remarks in the grievance debate last night. For a moment, I thought that the member for Murray-Mallee had ruled himself out of the Scarlet Pimpernel role, but towards the end he put himself back into consideration again. I must admit that the one in this debate who did not have himself ruled out as the Scarlet Pimpernel was the member for Alexandra.

An honourable member: I thought it was the member for Napier looking in the mirror.

The Hon. R.J. GREGORY: I thank the member for Light for his contribution, but I refer to the remarks of the member for Alexandra. That member has been in this House for a long time, but he made the mistake of referring to WorkCover as part of a Government department. Everyone ought to know—and if members opposite wish to discuss this Bill intelligently they ought to know—that WorkCover is a statutory authority managed by a board consisting of six representatives of employer organisations and six representatives of the trade union movement.

Whilst the Minister has the power to direct, I cannot recall any occasion during the time in which I have been the Minister responsible for WorkCover, which is now two years, that I have directed it to do anything. The remainder of what the member for Alexandra had to say ought to be treated with the same disregard that he had for the facts of the situation.

In summing up the contribution of members opposite with respect to the operation of WorkCover, I am reminded of the story of a farmer who had a horse and who decided to get it to work for him. He did not want to feed the horse too much, and he told the blokes down at the pub how he got this horse to work for him. He got it down to the stage where it almost did not eat anything but the poor thing died and he complained about it. Listening to the response of the members opposite, it appears that they want the workers to insure themselves, not to claim and not to bother.

Mr Ingerson: That's nonsense.

The Hon. R.J. GREGORY: The member for Bragg says that that is nonsense. Let us examine what has come from members opposite. The members for Alexandra and Murray-Mallee, both of whom were endorsed members of the Liberal Party at the last election and one of whom has been a member of the Liberal Party Cabinet and the other a member of the shadow Cabinet, advocate self-insurance on the worker's part. Do not let me hear them say that it is nonsense: it is fact.

The other thing that amazes me about members opposite is that, according to them, the WorkCover operation allows people to rort it. I have heard the Leader of the Liberal Party in this House, the Deputy Leader, the shadow Minister and others consistently referring to the rorting of the WorkCover system. Yet how do we stop rorts occurring? We need some sort of bureaucracy to check all the papers. We must have a fraud section—which they have. It must all be on computer, so that we can check what is happening. On one occasion, the people in the fraud section looking through claims in particular areas noticed that, for a particular soft tissue injury, half a dozen people living in very close proximity in one street all claimed to have the same injury.

Under the old system, in all probability, they would have been covered by five or six different insurance companies, all of which would have paid up. On being referred for second medical examinations, those people did not persist with their claims against WorkCover. There must be a form of bureaucracy to handle the rorting of the system.

We had a further example from the member for Chaffey, who referred to how the WorkCover levy of 4.5 per cent, 5 per cent or 6 per cent was driving all the fruit growers in the Riverland to mechanisation. I heard that story when I was speaking at a Rotary meeting in Beaumont. I was then the Secretary of the United Trades and Labor Council, and was told that the wage drive of employees in the union movement had forced employers to mechanise, and had put workers out of work.

I should have thought that the member for Chaffey, being a member of the Liberal Party, would embrace the concept of capitalism, as would all members opposite. I understand that within the concept of capitalism, in order to ensure that you stay in business, you make sure that your activities are better than those of all your competitors, and that means mechanisation. I put to the member for Chaffey that if the people in the Riverland were paying no wages at all they would have to mechanise in order to remain competitive—and they would do so. That is why they are doing it: to remain competitive.

It suits people to blame WorkCover or someone else, but the reality is that employers do that to remain competitive. If they do not, they will go out of business because no-one will buy their fruit; they cannot deliver to market on time, and they cannot deliver the proper quality. I note from the silence of members opposite that they understand and agree with that concept. So, why should they stand up in this House and utter all the baloney that we hear from them at various times? Listening to members opposite, one could be excused for thinking that we had in South Australia 60 000 people working in industries who were not being paid, having no rehabilitation and not returning to work while all the employers were going broke because of WorkCover.

The reality is that tens of thousands of people who are injured at work are receiving excellent service from WorkCover, are being rehabilitated and going back to work, and those who are unable to do so are being paid adequate compensation for their inability to work because of their injury.

We had the member for Chaffey talking about a person who was unfortunate enough to be paid as a second-class welder. From my knowledge of the engineering industry in rural areas, that second-class welder in reality would have been doing first-class work but would have been prevailed on to accept second-class pay or get no work at all. That would seem to be the reality. From what I know of the metal trades award and the sort of work that is done around the Riverland, there is no work for second-class welders, because that happens in the production industry. Under the old scheme, that person may have received a payment of $26 000 or $50 000 in a lump sum—and that would have been the end of it. There would have been no more money from the insurance company, no attempt at rehabilitation and no payment for continuing medical expenses; and, when that money ran out and the worker went along to the social security people for unemployment relief, he would have had to take a test to ensure that the money had not been unwisely spent.

What will be the prospects for that person and his family from now on? Until he dies, he will receive payment of all medical expenses associated with the injury. That never happened before. He will be paid a pension that will be indexed with the average wage each September. That never happened before. That is a continuing payment. If it is possible for that person to return to work, WorkCover will assist him to do so. That never happened before.

So, all in all, the scheme is better than the one that operated previously. People talk about the virtues of private insurance companies. I would like to put the following to the House. In 1979 I was a member of a tripartite committee into the rehabilitation of and compensation for persons injured at work. When that inquiry started, 54 insurance companies were operating in the workers compensation field in South Australia. When we finished, there were 52, the other two companies having gone bankrupt. An insurer of last resort had to be established and money collected so that

the obligations of those two insurance companies to pay workers who had been injured would continue.

We have seen in New South Wales, Victoria and, indeed, South Australia, an English company going broke and winding itself up and the WorkCover systems in the other States having to pick up the funds and pay, as the company involved was no longer able to do it. If we relied on the insurance system to do it, what would happen to the workers and to the employers? Those workers could sue the employers and send them bankrupt.

During the eight years that I have been in this place and during the five years in which workers compensation operated prior to the introduction of WorkCover, I have not heard one question or one complaint raised by members opposite about the delays in settling workers compensation insurance claims, or about the delays and tactics that were used in the Industrial Court denying workers their payment. I have heard not one word, question or complaint.

No member opposite has come to me or to the Attorney-General to complain about legal firms that had settled in the Industrial Court lump sums under the old scheme and then refused to pay for some three to four months because they were too busy. I have heard no-one opposite complain about the injured worker who wanted the money but could not obtain social security assistance because he had been awarded a considerable lump sum payment and, therefore, had to rely on the generosity of friends. Not one member opposite complained about that. But members of the legal profession were doing it. All they said was, 'Go to the court and get them to make us pay.'

The Hon. B.C. Eastick: I can assure you that I have complained!

The Hon. R.J. GREGORY: But not in this House and not about the system that allowed that to happen. One of the things that has always amused me in this debate on WorkCover—and it happened during the last session when I introduced a few amendments, and members opposite introduced many more, to the WorkCover Bill—is the complexity of complaints that come from members opposite, and their inconsistency.

On one hand, they complain about the generosity of the system that allowed people to rort and to obtain benefits to which they were not entitled. They also complained about the system being a bit difficult for people who wanted payment and believed they ought to have it, and about WorkCover being a bit difficult because it did not believe that the claim was justified.

Members were saying 'Because you don't pay our people, you are being cruel, but because you're paying somebody else whom we don't know, can't name and don't want to name (although we will talk about him as a fact), it's crook.' We then had the situation of some employers and what they paid. The current payment is made on the basis of incentive, as it should be. In the Department of Labour and its inspectorate service, we never knew just how bad some employers were with safety records. That is one thing that WorkCover has been able to demonstrate. I have said before and will say again, at the risk of boring some people, that very early in the operation of WorkCover, and once the system was under way, they found an employer in the manufacturing industry with an injury rate of 300 per cent.

That meant that every worker in the factory could expect to be injured three times in a year; that is, an injury severe enough that it would be required to be recorded. When challenged on that the employer said, 'But that is standard for the industry.' When disabused of that idea, he was not very amused. When he was able, with a lot of pressure from WorkCover, to get that down to a 68 per cent injury rate, he was flabbergasted because WorkCover told him the rate was still not good enough. He simply had not accepted that he could run an injury-free factory.

I have a view about those sort of employers: their workers compensation rates should be such that they either improve the safety in their factory so that people are not injured so severely or at such a rate, or they get out of business because I do not believe that we should license people to run factories where workers can be injured at that rate. If any one of us were to stand in front of this place, out on North Terrace, and to hit people with a stick at the same frequency and with the same severity that people in factories are suffering, it would not be long before a constable came down here and removed us to another place and a magistrate would pass sentence on us and we would be deprived of our liberty or required to pay some penalty. However, if one is an employer operating in one of these industries, paying a registration fee each year and contributing enough to charity, one may even get a gong over at Government House in 20 years. I do not see the justice in that, because I know that if companies manage their workplace properly, the injury rate can be quite low and they can have a very successful and profitable business. In addition, their WorkCover rates will not be so high.

The old system took the matter out of the hands of the employers and they had no knowledge, or very little knowledge, of what happened under the old workers compensation system run by insurance companies. In fact, in many instances, the employers disapproved of what the companies were doing. However, under WorkCover they know what is going on. I think it is important that they know what is happening so that they can pay attention to these matters in their workplace and so that they can create a safe working environment.

We have heard a lot about how workers are rorting the system, about how the bureaucracy is bungling and not working, but not once have we heard from members opposite about how 7 per cent of employers who contribute 34 per cent to WorkCover are paying 94 per cent of the costs. That is not a very good injury rate. Not once have members opposite talked about reducing the injury rate so that the overall cost of WorkCover comes down. They will complain about a particular employer who may be paying a higher rate and who runs a very safe business. What happens to those people? They get a deduction—a bonus for having a good safety record. On the other hand, if a company's injury rate continues to rise, it will receive a penalty. In the first instance, I disagree with the WorkCover board: I do not think the penalties are severe enough.

I am confident that the select committee inquiring into the operations of WorkCover will demonstrate that in the three years that the corporation has been operating—under some very difficult circumstances—it has achieved a tremendous amount. The inquiry undertaken by the select committee will also demonstrate that this system is working as well as it can; that there needs to be some improvement; and that in South Australia we are providing for workers who have unfortunately been injured at work a system that, first, provides rehabilitation so that workers can return to work and, secondly and more importantly, a system that provides adequate compensation if workers cannot return to work.

Motion carried.

MARINE ENVIRONMENT PROTECTION BILL (No. 2)

Adjourned debate on second reading.

(Continued from 9 August. Page 190.)

Mr OSWALD (Morphett): I move:

That this debate be adjourned.

Motion negatived.

Mr OSWALD: I am very sorry that members have rejected my motion to adjourn this debate. All members received a letter this afternoon from the Glenelg council. We have all had ample time to read and digest the letter. I thought that the request made by the Glenelg council to delay this matter for approximately seven days to allow the council and the Local Government Association to put a little bit more work into this Bill was reasonable. I am bitterly disappointed that my request to adjourn the debate has been refused by the Government. That rejection surprises me because the Bill contains some flaws. In the course of the debate the Opposition will no doubt bring to the Parliament advice on those flaws, but let me get back to the reasons why the Glenelg council would like the matter deferred.

It is well known that there was a meeting in the Minister's office last evening. I was present at that meeting as were representatives of the council. I would like to say to the House that I, personally, have had nothing to do with the letter that was delivered to this place this afternoon. It came in here completely without my knowledge. I want the Minister to understand that. The first I saw of the letter was when it was delivered to all members, which means the letter was produced by the council last evening, entirely at its own initiative. Obviously, it was produced because the council is concerned that this piece of legislation still is flawed and because it still has some apprehension about the commitments given by the Minister.

I do not think it is unreasonable that legislation as important as this Bill be delayed for seven days before it is debated in Parliament. I know that the Glenelg council supports the principle of the Bill. However, whist this is an urgent matter, nothing would have been lost by the House and the Government, in particular, being gracious enough to defer the matter to allow further consideration by the LGA. It is not just the Glenelg council that is concerned: many other councils involved in point source discharge wanted to have a close look at the Bill and be satisfied that the assurances given by the Minister are completely waterproof.

I will read the letter to the House so that all members who have perhaps not cleared their letterbox in the past hour or so are familiar with the concerns of the council. The letter—marked 'urgent'—is addressed to all members of the House of Assembly and the Legislative Council. The letter states:

Glenelg council has been advised by the Minister for Environment and Planning (Hon. Susan Lenehan) that the Marine Environment Protection Bill is to be progressed through Parliament this day, Wednesday 22 August 1990.

While Glenelg council fully supports the intent of the Bill to address the problems of marine pollution, it expresses grave concern that the discharge of water from the Patawalonga by Glenelg council has not been excluded in the Marine Environment Protection Bill. Although the Mayor (Mr Brian Nadilo) and the Works Manager (Mr Jim Huckstepp) received a briefing from the Minister of Environment and Planning (Hon. Susan Lenehan) on 21 August 1990 in relation to this matter, Glenelg council requests that further consideration of the Bill be deferred until the implications of the removal of the previous exclusion clauses and the issuing of transitional licences and/or a substantive licence can be fully discussed and the implications understood. The period for a transitional licence as outlined in schedule 1 is for a period not exceeding eight years.

Before the Bill is approved, the Glenelg council requests the opportunity to discuss this matter further with the Local Government Association, seaside councils affected by the Bill, and the Department of Environment and Planning. Historically, Glenelg council entered into arrangements under the South-Western Suburbs Drainage Act for the maintenance of the Patawalonga, lock and regulator grates system, and the responsibility for the disposal of stormwater.

Due to circumstances beyond the control of council, such as the build-up of the sand bar at the Patawalonga mouth, deposition of silt in the basin and unacceptable levels of pollution of the water and silt, council's ability to generate revenue to offset expenditure has been reduced. The Glenelg council believes that the majority of these costs have been unfairly borne by the ratepayers of Glenelg for many years and no State Government has accepted responsibility for addressing the problem by amending the Act or by making any significant financial contribution to remedy the existing situation.

Glenelg council is concerned that the solution to various issues contained in the Bill currently before Parliament are beyond the control of council. By receiving a transitional and/or substantive licence to carry on the current Patawalonga activities for a fixed term, the council is entirely dependent upon the goodwill of the Parliament of the day to extend the licence if required. A further concern is the future cost of the licence. As the program will probably be revenue neutral, the implications of future licence fee increases are also of grave concern.

Our experience of the past and previous lack of State Government support to address the issues of sand management, pollution and siltation are factors which this council cannot ignore. On behalf of my council, I seek your urgent support in having this Bill deferred.

The Hon. B.C. Eastick: That is certainly not an irrational letter.

Mr OSWALD: Not at all. The Glenelg council is a very rational council. In fact, the present Glenelg council, headed by Mayor Brian Nadilo, is probably one of the most rational, hard-working and clear thinking councils that we have experienced in Glenelg for many years. That letter was signed by Brian J. Nadilo, Mayor of Glenelg.

I do not believe it is unreasonable that the House should concede to a delay of only seven days. The Bill has been around for some time. The Glenelg council is of this belief and I am also. The Minister seems to be getting extremely upset because I am trying to put the position of the Glenelg council.

The Hon. S.M. Lenehan: I am quite calm.

Mr OSWALD: I hope that she is calm. If Glenelg council thinks that a matter is important enough to ask for a delay, I believe it should be supported, and I am asking the House to support it. The concern of the Glenelg council in actions with Government goes back to the start of the south-west drainage scheme. Arrangements were made to put in lock gates, and that was done at the expense of the Government. In return for that, Glenelg council was requested—in fact, ordered under the Act—or the ratepayers were requested, to pick up the cost of the ongoing maintenance of the lock gates. If the lock gates had to be upgraded, the expense had to be borne by the Glenelg council. It was also responsible for repairs and maintenance. The time came when we found that the lock gates not only had to be manned during the day, but they went over to 24-hour manning, and that was a major expense. When we tried to come up with a system whereby we could reduce the manpower on the gates, we found that we could not bring in automatic gates, and that was an additional cost to the council.

Then there is to the problem of cleaning the Patawalonga. For years now Governments have talked of putting in sluicegates to pick up the pollution which has come down the channel, but absolutely nothing has happened. We had a few dollars spent on a floating boom, which was a disaster. In all the years that the Government has had an opportunity to do something, that is the only concrete construction that we have seen. I do not mean 'concrete' as in cement, but as in the floating of a boom.

Expense to the Glenelg council runs to $336 000 a year. That is made up this year from lock gates and regulator gates maintenance of $248 000. We have to look after the bank maintenance, which is $60 000. The collecting of refuse was $26 000. That is a total cost of $336 000. As regards income, we have received $6 000 from the E&WS, mooring

fees $55 000 and other expenses are $46 000, a total of $107 000, which means that the cost to the council is $229 000.

The council has a major expense. The pollution, the sludge material, that comes into the lake is causing an aerobic bacteria to flourish, giving rise to methane. We have high organic materials in the lake, which are basically garden refuse, vegetable matter, and large quantities of rubbish floating on the surface, which gets deposited on the banks and has to be cleared up. We have oil on the surface which floats down and is deposited on the banks. We have faecal coliforms in the water, and tests have shown gross bacterial contamination in excess of the World Health Organisation guidelines for bathing water. The tests have been carried out and confirmed by the E&WS at Bolivar. The turbidity of the water causes large amounts of organic matter and mud to be collected there.

As regards other pollution, at times we have dead sheep, cats, dogs and rats, and I have even fished television sets and shopping trolleys out of the Pat. What happens is that this all settles and we have a very polluted waterway. The problem is that the water settles and at some time or other the council has to get someone to go down and open the lock gates. The very nature of opening the lock gates and discharging all this polluted water into the marine environment was something that the Glenelg council was confident that it would be allowed to do under the Act. What caused the concern was when an officer of the department visited Glenelg council and attended a particular meeting—

The Hon. S.M. Lenehan interjecting:

Mr OSWALD: The Minister might as well keep quiet and stop trying to drown me out.

Members interjecting:

The SPEAKER: Order!

Mr OSWALD: An officer of the department went down and attended a meeting of the Patawalonga authority.

The Hon. S.M. Lenehan interjecting:

Mr OSWALD: If the Minister will keep quiet, I might be able to get to the end of what I have to say. An officer of the department went down and advised the council—

The Hon. T.H. HEMMINGS: I rise on a point of order, Mr Speaker. Although I cannot quote the relevant Standing Order, from my experience in this House I believe that members should make their contribution in the debate through the Chair and not across the Chamber.

The SPEAKER: Order! The honourable member will resume his seat.

Mr OSWALD: Officers from the department told the Glenelg council staff that they had a problem with the wording of the Act and that the council could be liable. The council was concerned, because it believed it was in the clear. The Minister invited the council representatives to her office and explained that there was no concern with the legislation, because she would give them a licence. When the council representatives left the Minister's office, I thought they were satisfied that the licence would be satisfactory. The council deputation consulted with the council that night. As I said in opening my remarks today, I had nothing to do with the drafting of this letter: I did not see it until I arrived here today.

I thought the council did not have a problem because of the Minister's assurances. If the Minister is not to delay this Bill for another week, so that Glenelg council can consult with the Local Government Association and lawyers, as requested, I trust that she will give an assurance in the House as she did in her office so that it is on the public record and so that future governments will be aware of it. The council is concerned because it has had a raw deal for some years. It does not trust the Government and it is unsure of where it will stand in the future. I refer to the transitional provisions in the first schedule of the Bill where (page 21) it is stated:

> . . . the Minister must grant the licence . . .

In closing the debate, will the Minister spell out exactly where the council stands in order to reassure the council that its meeting with the Minister last night is well documented on the public record? I seek leave to continue my remarks later.

The Hon. S.M. Lenehan: No.

The SPEAKER: Leave is refused.

Mr OSWALD: I thought I would give the Government one last opportunity, having heard the comments of the council in its letter and thus having heard of the council's concern, to concede to its request. Obviously, the Government does not want to concede to the request of the Glenelg council. We have given the Government two opportunities and, on the strength of that, I will conclude my remarks by expressing disappointment on behalf of the council, which would have preferred to have the matter deferred. I hope that the Minister will give such an assurance in her second reading reply. As the local member, I can do no more.

The SPEAKER: Is the Chair correct in assuming that the member for Heysen is the lead speaker?

The Hon. D.C. WOTTON (Heysen): Yes, Sir. Members of the House would be aware that this is the third time that legislation dealing with the protection of the marine environment has been introduced. The first time was prior to the last election; the last time was a few months ago; and the legislation has now come before the House once again. At the outset, before I become involved in the provisions of the legislation, I indicate my disappointment with the Minister's response as to what happened during a previous debate on the legislation.

When the legislation was previously introduced it was flawed legislation. Within a short time the Minister was looking to amend her own legislation. Those amendments were carried and, further in the debate, 51 amendments were moved by the Opposition—the Liberals and the Democrats—of which the Minister accepted 49. I am disappointed, because the Minister has continued to indicate that the Opposition has sabotaged the legislation, and in her news release of Thursday 9 August the Minister stated:

> This Bill illustrates this Government's commitment to move swiftly to protect our environment and, if the Liberals and the Democrats are equally committed, they will fully support this legislation. The environment was the loser last session when the Opposition and the Democrats sabotaged this Government's proposed Bill.

That is incredible. As a result of the Opposition's involvement in this legislation and the amendments that were passed, the legislation has been significantly strengthened and there is no way that the Minister can disagree with that. The Minister must agree that the legislation has been strengthened and I would have thought, having been a Minister myself, that the present Minister would be satisfied that the legislation has been improved and strengthened as a result of the Opposition's involvement.

The State of South Australia will benefit in the long run as a result of the legislation's being strengthened. I am amazed that the Minister has not recognised that situation. In her press release the Minister indicates that the intention to introduce the Bill was announced in the Governor's speech and that she had pledged at the end of the previous parliamentary session to reintroduce legislation. That is right: the Minister did promise to reintroduce legislation and it was expected that the legislation would be introduced prior to the House rising.

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

The Hon. D.C. WOTTON: Prior to the dinner break I was making the point that I was surprised that the Minister had not recognised the benefits gained from the previous debate in regard to this legislation in that the legislation is now a much stronger Bill. I would have thought that that would be better in the long run for all people in this State. I was referring to a press release that the Minister made on 9 August, under the heading 'Government acts swiftly to protect marine environment'. The Minister said that the intention to introduce the Bill had been announced in the Governor's speech and that she had pledged at the end of the previous parliamentary session to reintroduce legislation as soon as possible. That is right; the Minister did that. We were all looking for the Bill to be reintroduced before the Parliament was prorogued, but that did not happen. Just for the record I want to make the point that, on opening day, prior to the Governor's speech, I gave notice that I would introduce on behalf of the Opposition a Marine Environment Protection Bill. The Minister has seen fit to suspend Standing Orders to bring on this legislation, and that is fine; it serves the purpose. We recognise the importance of the legislation, and it is important that it be debated at the earliest opportunity.

Let us consider what has happened in regard to this legislation. I have already said that the previous Bill was badly flawed and weak compared with similar legislation in other States. The Opposition introduced amendments that would have provided South Australia with comprehensive marine pollution laws. The Minister, in turn, reacted by amending her own legislation, but that went only a small way towards a commitment to ensuring cleaner coastal waters for South Australia. In another place, the Liberals, with Democrat support, introduced 51 amendments, 49 of which were accepted by the Government. The most significant of the amendments included the provision for a maximum penalty of $1 million for a corporation and $150 000 for individuals guilty of serious pollution breaches. These penalties, the toughest in Australia and mirroring those in place in New South Wales, clearly signalled the determination of the Liberal Party to come down heavily on irresponsible polluters. We also introduced a Bill to establish a fund for the purpose of providing research into the marine environment and for public education purposes. I believe that that was totally appropriate, and I am pleased that that has been retained in the legislation before the House at the present time. We also sought, and were successful in, the removal of the right of ministerial power of exemption.

Two significant amendments which were not accepted by the Government and which resulted in the Bill's going to a conference of managers of both Houses related to, first, the inclusion in the legislation of a commitment which was made by the Minister prior to last year's State election, and a statement which has been reiterated since that time, that the Engineering and Water Supply Department would not allow any sludge to enter the marine environment after 1993. On the Government's refusal to accept the amendment, and in an attempt to compromise at that time, this period was extended to June 1995. However, regrettably the Minister still refused to accept the amendment on the basis that there was no precedent for writing into the legislation Government commitments to major capital works spending. I will have more to say about that a little later, because there are many precedents, including legislation introduced in the past 10 years pertaining to Golden Grove, the Torrens Linear Park, Stony Point and Roxby Downs, which all included specific requirements for capital works spending by the Government.

Any other amendment which we proposed and which was not accepted would have removed much of the ministerial discretion and confidentiality associated with decision-making by establishing an independent committee made up of people with specific knowledge pertaining to the marine environment to monitor the legislation and to advise the Minister. However, the Minister at that time insisted that, if such a committee was needed, that need could best be served by using the Environmental Protection Council. The Opposition at that time, with the support of the Democrats, believed that, because of the complexities of the legislation regarding the setting of criteria and standards, the committee should be independent and made up of people who have specific expertise in the marine environment, and who are able to provide information and advice to the Minister which would be available to the public.

The Bill currently before the House completely vindicates the Liberal's previous approach to this vitally important piece of legislation; it is significantly tougher legislation. This is a result of the amendments moved during the previous debate with support from the Democrats. The amendments relating to sludge have not been addressed in the Bill before the House. In the Minister's second reading explanation, she states:

> The Government, as collector of the waste waters of most South Australians, is also committed to cease discharging sewage sludge to the marine environment off Adelaide.

Digressing slightly, I wonder why particular reference was made to only Adelaide, because there is a need for the same thing to apply in other parts of the State. The Minister continued:

> There has been good acceptance of the 'user pays' principle from the public, who will pay more in their sewerage rates so that the negative impacts of this sludge may be converted to more positive uses.
>
> One matter on which the Government was accused of being intransigent in the previous Bill was in not setting this commitment to legislation. Members in another place seemed quite prepared to ignore the requirements of the Public Works Standing Committee Act 1986 in demanding immediate commitment to expenditure—on their estimate—$2.5 million. This Bill again contains no such provision.

I will refer to that in detail a little later, and we will be able to discuss that in another stage of the debate.

The amendment proposed by the Opposition under which a specialist committee would be set up to monitor the legislation and advise the Minister has been met only in part. Changes have been made to the composition of the Environmental Protection Council to include three members of the 10 member EPC who have some expertise in the marine environment.

As the Bill now stands, the proposed subcommittee comprises five of a total of 10 EPC members, six of whom are connected with Government departments. The Bill also restricts the Conservation Council from nominating separate representatives on the EPC and the committee. For example, next year, the EPC representative from the Conservation Council may be a specialist in land degradation. This would almost certainly restrict the expertise required

at the committee level if we are really serious about having people who understand the complexities of matters pertaining to the marine environment. For example, the Chamber of Commerce may prefer to determine which section of industry should best be represented. It may determine that a person should be its representative on the Environmental Protection Council because of wide expertise in environmental issues, but that person may not necessarily have the expertise required by such a committee as the one to which we are referring at present.

The Opposition also prepared a clause in the previous legislation which required the granting of renewal licences in accordance with water quality standards to be laid down in the regulations. The Liberals also proposed the establishment of a marine environment protection fund, which is now included in the current legislation—and I am pleased to see that that is the case. It would be beneficial, I suggest to the House, for it to be written into the Act that the Minister would be required to seek the advice of the committee in relation to the application of this fund.

A new initiative in this Bill includes a provision to allow the Minister to place a bond for compliance on any licence. The Minister stated in her second reading speech that in its simplest form the legislation would require that a bond be posted: if the company complied with the conditions, the bond would be discharged; if it failed to meet these conditions the bond would be forfeited.

I have discussed this matter with a number of people interested in this legislation. The majority of those people are not opposed to this provision, but I will refer to some who have expressed concern. For example, I was interested only today to receive a fax from the South Australian Chamber of Mines and Energy. I think it is important that I read this notation into the debate because it is very relevant and expresses some concerns. I hope that the Minister during her reply to the second reading debate refers to some of these issues. The document states:

> The Chamber of Mines and Energy opposes the proposal set out in a letter from the Minister for Environment and Planning (received on 20 August 1990) to use a financial bond as an incentive for early compliance with standards by existing industries.

I say, once again, that it concerns me that apparently a letter was sent to the Chamber of Mines and Energy on the 20th, only a couple of days ago. That is hardly enough time for the chamber to consult with its members on such an important matter. When I spoke to a representative of the chamber yesterday, he was concerned because the chamber had not been given more opportunity for further consultation on this issue. The document continues:

> While the chamber supports the concept of incentives for early compliance, these should be in the nature of a remission of future charges rather than the imposition of an additional charge. To be effective, the bond, or the servicing charges relating to the guarantee, will need to be significant. Such moneys would be more effectively applied to the installation of remedial measures earlier than provided for in the licence. Furthermore, the proposed bond could act as a disincentive for early compliance where the cost of servicing the guarantee is less than that necessary to achieve early compliance.
>
> In some circumstances early compliance may not be achievable because of the time required to design, construct and commission the remedial measures necessary. An industry would thus be penalised for a situation beyond its control.
>
> It appears unjust for industries which were exceeding desirable standards but not breaking the law prior to the introduction of the marine protection legislation, and who are subsequently licensed under such legislation to discharge at levels (which may still exceed standards) under threat of a significant penalty for non-compliance with licence conditions, to be required to pay a *de facto* penalty for complying with the licence conditions.
>
> The chamber does not object to the principle of a bond on new industries where some uncertainty exists in the operator's capacity to repair damage resulting from a breach of conditions. Section 62 of the Mining Act 1971-1978 provides a model for this principle. However, this is clearly not the intention of clause 32 of the Bill.

I hope there will be some explanation in regard to the concerns expressed by the Chamber of Mines and Energy. As I said earlier, personally I support the idea of bonds being brought down in legislation like this, and I would be most interested if the Minister would provide an answer to some of the queries raised in that correspondence. I would also be interested if the Minister could indicate whether there was prior consultation on this issue with the Chamber of Mines and Energy and the Chamber of Commerce and Industry because I know that this legislation has been around for a long time, but this is a new initiative, and I think it is important that there should have been adequate consultation in this area.

I want to speak generally about the legislation. I referred to this matter in the last debate, and I do not want to go over the same ground, but it concerns me. I wonder whether the Minister could provide any information about any longer-term plans that the Government may have to bring some of these pieces of legislation together. For example, we are talking about the Environment Protection (Sea Dumping) Act, the Pollution of Waters by Oil and Noxious Substances Act, the Water Resources Act and, now, the Marine Environment Protection Bill. I would have thought that it would be possible to consolidate some of this legislation—to bring it together.

Since the last debate I have visited New South Wales and Victoria to see what those States are doing about this matter. I would be most interested if the Minister could indicate whether the Government has any future plans to consolidate some of this legislation. It seems crazy to me to have separate legislation, separate committees and separate penalties, etc. I am very much aware of the move towards the draft national water quality guidelines—and I support that move strongly. I think it would be good for all States to have national guidelines: it must help industry and Government in the administration of legislation. I would be most interested if the Minister could provide some details of the success of that initiative. As I understand that it has been discussed for some time, perhaps the Minister can say when it is likely that we will see such guidelines introduced.

I note from the Minister's second reading explanation that she makes particular reference to Pasminco (BHAS) at Port Pirie. I have had discussions with BHAS and appreciate the significant amount of work that company has done and is continuing to do to overcome some of the environmental problems it has had. One of the concerns that has been brought to my notice on a number of occasions by a wide cross-section of the community is that people really do not know what is happening.

As a result of their not knowing, they are suspicious of some of the levels of wastes and heavy metals being released. I have argued that matter with a number of people, because some, albeit not all, of the information is available. It is important for people to understand as much as possible what is going on. If they know that, it makes it easier for them to understand what is happening at Port Pirie at the present time.

I noted also that the Minister referred to the proposal from Apcel at Millicent to change its manufacturing process and eliminate chlorine bleaching. In her second reading explanation, the Minister states:

> In debate on the previous Bill, there were attempts to cast doubt on the good faith of this company.

I am not sure who was casting doubt. I do not believe that that was the case: it was certainly not intended. As a matter of fact, I recall the member for Mount Gambier speaking

and being very supportive of what was happening down there. As special reference has been made to Apcel and what it is doing at Millicent, I should be most interested if the Minister were to provide some information to the House in regard to the claims made by the Conservation Council, which claims that legal information received by the council suggests that the environmental impact statement is not sufficient. In its last newsletter, it stated that a legal opinion had been obtained that the new Bill is not covered by the 1958 or 1964 indenture agreements between Government and the company, as claimed in the draft EIS. It goes on to say:

> Accordingly, council believes that *(a)* a new draft EIS is required to fully detail environmental impact of pollution discharges beyond the plant boundary—

and it goes on. The Conservation Council indicates that it has received legal advice on this matter. I should be most interested to hear from the Minister what the situation is down there. We need accurate information. As a result of the allegations that have been made by the Conservation Council, I presume that the Minister will have sought her own legal advice on this matter, and I should be most interested if she would indicate what that advice is.

I want to refer briefly to the claim made in the Minister's second reading explanation in regard to the requirement of the Public Works Standing Committee Act 1986 in demanding immediate commitment to expenditure. This is in relation to the sludge matter we have raised on a number of occasions. I have been and still am a member of the Public Works Standing Committee and have made it my business to look at that legislation, and I do not believe that what the Minister is saying is totally accurate.

I have had the opportunity to look at that legislation in detail, and I think that the Minister has thrown in a bit of a furphy. The Minister indicates—and has indicated previously—that there is no precedent for such a provision to be placed in legislation. As I said earlier, there are a number of pieces of legislation in which Government capital work commitments have been made. Section 15 of the BHP Company's Steel Works Indenture Act of 1958 requires the Government to take over and provide water supply within two months of the date of ratification.

Section 4 of the River Torrens (Linear Park) Act 1981 contains provisions under which the Act expires on 31 December 1992, therefore compelling the Government to complete its acquisition program before that date. The Stony Point Indenture 1981 required the Government to provide a water line and road access to the site as soon as practicable. The Roxby Downs Indenture set specific amounts the Government was required to spend on infrastructure such as schools, hospital, medical centre and police station, and listed amounts lined up with infrastructure specified, such as $3.2 million for allotment development costs—and so it went on. The Golden Grove Indenture 1984 set out a schedule for the construction of roads.

While I have been a member of the Public Works Standing Committee, we have dealt with a couple of those issues, and no suggestion has ever been made by any member of the committee that it was inappropriate that it should have been referred to in legislation previously. To say that there has not been a precedent set for that action is inaccurate. In her second reading explanation the Minister says:

> The present Bill also leaves the period for general compliance, by existing discharges, at eight years. It is expected that most operators could comply with the national guidelines within a lesser time. But laws do not apply to 'most'—they apply to all. The problem arises with those who are not able to say when they will be able to comply, often because the technology is still being developed.

I accept that totally, but I wonder whether the Minister might be able to give a rough indication of how many applications we are looking at in regard to that matter. I should have thought that the vast majority would be able to comply within a much shorter period.

In fact, when this Bill was before the House previously, this matter was raised in debate and it was then indicated that it was not a major concern, but I should be most interested to know what the situation is and how many different applications we are looking at in regard to that issue. On the matter of the committee, in her second reading explanation the Minister states:

> When the previous Bill lapsed, the Government needed to maintain impetus on the National Water Quality Guidelines.
>
> The task of coordinating local technical input, and wider consultation, was taken up by the Environmental Protection Council. That council commissioned a subcommittee, including persons with eminent qualifications in the marine environment, which meets each month, and has made commendable progress in guiding State input to the national document, and adapting the national guidelines to the practical needs of this State.

I do not want to be critical of the EPC: it comprises some excellent people. When one looks at its composition, one would realise how fortunate we in this State are to have people of that calibre on the council. I have always supported the EPC, and strongly support the fact that it has its own legislation. I believe that it has a very important part to play in terms of the responsibilities we in this State have in protecting our own environment. However, I am concerned about the amount of work that the council has been given. I can judge that only on the basis of the annual report of the Environment Protection Council for the year ending 30 June 1989.

The Hon. Jennifer Cashmore interjecting:

The Hon. D.C. WOTTON: It is extremely thin, as my colleague the member for Coles points out. It is an indictment. The first page is taken up by a list of members and, as I said, some excellent people are participating. In fact, they are so good that it seems to be a great pity that they are not being used more effectively, because I am sure that each one of them would want to be able to contribute. The first page also refers to the council's role, its operations and future, council activities—and just half a page of the report details the council's activities—a report on the state of the environment—and I realise that quite a significant amount of work has gone into that—the national parks seminar, and a rangeland assessment. And, in relation to the environmental impact assessment, it just states that the council commented on the Wilpena Pound resort development.

I am disappointed that that is the case. I do not believe that it is appropriate that a group of people with the expertise that these people have should be used in such a minor way. I hope that the Minister will give some explanation as to why that is the case and that she will revert to what used to occur, where the Environmental Protection Council played a very much greater part in the responsibilities to which I have referred. I believe that it is inappropriate for a subcommittee of the EPC to be established. The Opposition continued to make that point when there was the opportunity to do so during the conference of managers of both Houses. I think it is inappropriate that people who may be on that subcommittee of the EPC, which will be given the responsibility of acting as watchdog over marine environment matters, may not have the required expertise. I do not think that anyone would doubt that this is very complex legislation and, accordingly, there is a need for an expert committee.

As I stated earlier, when the conference of managers met, the Opposition indicated that it would be prepared to introduce a three-year sunset clause during which time a com-

mittee of experts could be involved in considering the criteria and the setting up of regulations, and so on. Then, if the Minister wished, she could resolve that that specialist committee not continue to operate, but that responsibility then be given to the EPC or to a subcommittee of the EPC, if that was her desire. I would still have concerns about that, for the reasons I have indicated, because I think it would be better to have a committee comprising people who had a very real reason for being involved in that way. However, I will say more about that a little later.

Apart from those changes, the Bill differs little from that introduced in February. As I said earlier, I am pleased that the Bill now sets penalties up to $150 000 for individuals and $1 million for companies who are responsible for discharges which could damage the marine environment. The Bill also includes definitions of 'pollutant', 'criteria' and 'standards'; it no longer includes powers for the Minister to issue individual exemptions, and it provides a trust fund to be used for a wide range of investigations into protection of the marine environment and for public education.

I have also referred to the new initiative that has been introduced in the legislation in relation to bonds. I have requested that the Minister provide some information in relation to that matter. A number of significant questions need to be raised in Committee, and it is my intention to do that. However, before I do so, I want to refer to a couple of matters in relation to this legislation. I have been interested to note what has been happening in New South Wales, where it is now possible for the Government to prosecute itself for polluting. I know that there have been teething troubles with that legislation, but the fact is that there is now the opportunity for the Crown—which, of course, is bound by the Act to act as responsibly as any private enterprise organisation or company—to be prosecuted.

I was interested to read in the *Sydney Morning Herald* recently that the State Pollution Control Commission (SPCC) could consider prosecuting the Water Board under the new regulations. The new rules will, for the first time, allow State Government departments that pollute the environment to be prosecuted by other departments. This decision made by the New South Wales Government overturns a precedent established in 1959 that Government bodies could not prosecute other Government bodies. The decision is linked to a review of pollution licences undertaken by the SPCC for major industrial companies throughout the State and for the Water Board. I will be very interested to follow the progress of that legislation. It makes a lot of sense to me that that should be the case and I look forward to determining the success of the legislation.

I read some interesting information in *News from Britain*. The document refers to official protection for the environment, and points out that the greening of the United Kingdom and its immediate surroundings through strict new controls on individual pollution is the objective of the British Government's Environment Protection Bill, which is expected to become law at the end of this year. The architect of this legislation, the Secretary of State for the Environment in the United Kingdom, aims to introduce the concept of integrated pollution control for the first time. I am particularly interested in this issue because, as I said earlier, there is a necessity for the same thing to occur in South Australia. For the reasons that I have already stated, there is a need to consolidate the legislation and I will watch with interest what is happening in the United Kingdom.

The legislation that I refer to will tackle the linked problems of pollution of the land, water and the atmosphere. The cornerstone of the Bill, so we learn, is a new inspectorate of pollution responsible for authorising any industrial discharges that occur. The Bill has several primary aims, amongst which is the control of pollution from industrial and other processes. There are other provisions to control the collection and disposal of waste, including recycling—which is something that I think we could look at very closely in this State—controls on statutory nuisance and litter; limits on the release of genetically modified organisms into the environment; and the reorganisation of the Nature Conservation Council along national lines in England, Scotland and Wales. In addition to the Bill itself, Britain has agreed to abide by a European Community directive on the long-term reduction of industrial emissions that are known to harm the environment.

I suggest that there is some excellent material in this publication to which I have referred. It is a sensible step to be taking and one that I hope the present Government might consider. As I have said on a number of occasions in this place, I would like to see the consolidation of legislation and, indeed, the possibility of setting up an authority, as is the case in Victoria and is happening in the establishment of the EPA in New South Wales. It makes a lot of sense to me.

Finally, I want to refer to an editorial that appeared in the *Advertiser* some time ago, but it makes a lot of sense. That editorial states that we can no longer continue to mumble in an exhausted fashion that this State should be controlling what is flowing into rivers and coastal waters. The editorial suggests that instead of mumbling about it, we should be shouting about it. It says:

> We know that we cannot return our seas to their pristine conditions; but marine pollution in this State must be controlled closely, monitored and assessed before the damage to marine life gets worse, and before human life starts dying in its own detritus. Our feature in today's magazine section leaves no doubt of how pressing the problem is becoming and how poorly it has been addressed.

The article in the magazine section certainly does that. Under the heading 'A watery grave', it refers to some incredible statistics, and I should like to refer to a couple. It states:

> In the absence of any effective law in South Australia to date, it would seem that between 1980 and 1989 the will to stop or at least regulate the degradation of our coast has diminished with succeeding State Governments. This is not to say that there is no evidence of marine pollution in the State.
>
> Since 1980, the Commonwealth Scientific and Industrial Research Organisation, and the Engineering and Water Supply, Fisheries, Health, and Environment and Planning departments in a variety of public reports and scientific papers have established some disturbing facts: that there are 92 places on the South Australian coastline where contaminants are discharged regularly into the sea, excluding places where leaching occurs from dumps close to the shore, for which there is no data; that more than 4 000 hectares of seagrass have been lost or are dying off the Adelaide coastline. There is no conclusive evidence that this has stabilised; that at least 600 square kilometres of Spencer Gulf, about 30 kilometres from the Broken Hill Associated Smelters' Port Pirie lead smelter, contains sediments with elevated levels of heavy metals; . . . that about 100 square kilometres of this area is 'significantly contaminated'.

I do not believe that any member can argue against the need for such legislation. The Minister scoffs over this particular matter. I am sure that nobody in this place would suggest that this legislation is not needed. The legislation has been needed for a long time. It has been our intention to ensure that, when the legislation was introduced, it was appropriate legislation and was strong enough to carry out the responsibilities that it had according to the provisions of the Bill. That is why we have continued to fight for a tougher Bill and to make sure that the requirements that we were seeking were brought into the legislation. As I said earlier, the Bill before the House certainly validates the opinion of the Liberal Party and of the Democrats on the

last occasion that debate took place, and as a result we have much stronger legislation. It is my intention to introduce some amendments at the appropriate time and, as a result of those amendments, I hope that the legislation will be even stronger.

Mr BRINDAL (Hayward): I support the remarks made by the member for Heysen and commend the Minister on the reintroduction of this Bill. Unfortunately, like the member for Heysen, I disagree with some of the Minister's public comments. I applaud the reintroduction of the Bill because it is a much strengthened and better Bill than the one that she introduced last time and amply illustrates to the people of South Australia the process of parliamentary democracy at work in that the new Bill reflects the considered thinking of the Government, the Opposition and the Democrats in another place. Therefore, it is to be applauded, even though, as the member for Heysen says, there are a number of amendments that we on this side of the Chamber will seek to make to the Bill.

The long-term effect of effluent on marine life could, as everyone knows, be disastrous in shallow coastal waters. On a program called 'The Blue Revolution', which was shown on 24 May, one of the problems which was pointed to was the red algal bloom which can produce a dead zone. In the summer months we witnessed such a bloom in our inland waterways and lakes, and such a bloom occurs around Bolivar on occasions and in specific weather conditions. It is a worry that, in the right conditions and with the right amount of pollutant, such a bloom could affect much of the Gulf St Vincent.

Every year three million tonnes of hazardous waste goes to sea, and there is no record of how much of that hazardous waste is dumped at sea. There was an interesting program on television about a ship carrying hazardous waste from one third world country to another, all of which refused it entry. Then, somewhere in the Pacific, north of Australia, the ship wound up at Singapore and, lo, its holds were empty. When challenged on whether it had discharged the waste at sea, that was categorically denied, yet they could not explain in which third world country the waste was dumped. That is the problem. While Homer described the wine dark sea as the province of the gods—and truly it is the province of all nations—four-fifths of the pollution in our oceans comes from our lands. Four-fifths comes down our rivers and, through discharge points, goes into our seas. Once the arteries of our continents, our great rivers have now become their sewers.

In doing what most members, I hope, do in this place in preparing to understand what the Government is attempting to do, I asked that some research be done by the Tidal Laboratory for Atmospheric and Marine Sources at Flinders University, and I acknowledge its help in preparing a report. South Australia is a unique marine environment. To the east of Eyre Peninsula we have a system which is part of the Great Australian Bight and to the west we have a system as far as the Victorian coast which, though unnamed, is most complex and includes our two gulfs: Gulf St Vincent and Spencer Gulf. I asked, because it is important for the purpose of this legislation, what the effects of the depositing of wastes in those gulfs would be, what were the tidal movements and what were the circulation movements in both gulfs. The answers that I got were rather astounding, and I would seek to read some of them into the record:

> My expectation that your question would be readily answered from available reference sources was not met. Information has had to be drawn from a variety of sources and is presented here rather tentatively. It should be stated quite clearly and emphatically that research on the subject is haphazard, fragmented and incomplete.

We have lived here for 150 years. We have lived on the edges of gulfs, yet, despite the miracles of modern science and our great teaching universities and our Institute of Technology, which have fine records in research, we still do not understand the two gulfs on which we live and from which are derived major fishing industries.

I refer the Minister to the decline of the prawn industry in South Australia which, if my memory serves me correctly, a mere 15 years ago was worth $30 million and this year is likely to be worth less than $3 million. If Gulf St Vincent is not yet destroyed, it is well on the way to destruction. I put to the Minister on the front bench that it probably has to do with poor fishing practices but it also probably has to do with discharge and pollution. In this paper coastal waters are defined much as the Minister has defined them, and I am told the following:

> The water level variation along the coast of South Australia is mainly due to the astronomical tide, although important meterological tides also occur. The two main species of astronomical tide behave very differently in the ocean between Australia and Antarctica. The diurnal tide travels towards to the west. The semi-diurnal tide, on the other hand, travels toward the east, but is almost normally incident on the coast. The difference in behaviour between the two tidal species is consistent with the strong dissipation of tidal energy occurring for the semi-diurnal tide in South Australian waters, which has resonances near the semi-diurnal period.
>
> In Spencer Gulf, both species of tide behave as progressive waves such that high water (or any other phase of the tide) occurs successively later towards the head of the gulf. Thus high water occurs at Port Augusta about 6 hours later than at Port Lincoln.

The wave travels up the gulf and then comes back down. The paper contines:

> The tides of Gulf St Vincent are quite different because of the dual connection with the open sea of Investigator Strait. For the semi-diurnal tide there is almost simultaneous high water at either entrance, and an apparent standing oscillation is set up between the two ingressing tides within the gulf. This causes the time of high water everywhere within the Gulf St Vincent to be almost identical.

The explanation offered was that the main thrust of water entering the gulf is along the western side, along what was an ancient river stream and that the flood tide then comes up the river stream and approaches our coast almost simultaneously. The effect of that on outfall sludge and effluent must be obvious to anyone.

It does not take a genius to know that, if the tidal movement is from the west towards the east and inshore, it does not matter how far out the effluent or sludge is put, that effluent or sludge is then driven back on the incoming tide and washed down from Bolivar towards Brighton along the coast. If the Minister doubts that, I suggest that she accompany the member for Hanson or the member for Morphett and inspects the Glenelg outfall to see who wants to swim and what they see if they do swim. The paper continues:

> The amplitudes of the main semi-diurnal tide constituents in Gulf St Vincent are almost identical. This remarkable circumstance means that at neap tides the semi-diurnal tide is virtually absent, and the diurnal tide dominates. Near the equinoxes the diurnal components also vanish, allowing the water level to remain almost constant for a whole day.

This is what causes the dodge tides in both our gulfs and is almost a unique occurrence in the world. The paper continues:

> Tide currents are associated with the tidal elevations. Very few continuous current observations have been made in Gulf St Vincent . . .

Again we get back to the lack of statistical data on either of our gulfs. Apparently there is none at all on Investigator Strait; whatever evidence there is suggests that tidal streams of one to two metres a second in Backstairs Passage occur

during periods of strong tidal movement. The paper continues:

> Data series in the vicinity of Adelaide show that currents are mainly tidal with an absence of the diurnal inequality shown in the local tide.

There is also a long period oscillation which is concurrent around the Australian coast and which takes between four to 10 days and 20 to 30 days to move in an anti-clockwise direction around the coast. The two major forms of currents are driven by waves and are longshore currents associated with wave breaking and surface drift associated with steep waves. Surface drift and longshore currents are what the tidal laboratories say are largely responsible for the loss of sand from our beaches. That is also the cause of the dieback of seagrasses, allegedly caused by increasing phosphates. That has created a desert-like atmosphere in which soil erosion occurs, similar to erosion on land. The paper continues:

> The general (non-tidal) circulation of Gulf St Vincent and Investigator Strait is caused by three factors; first, the local wind; second, the local exchange of heat and water across the sea surface; third, circulation in the deep ocean.

It is probably true to say that the wind effect is the most important, although there are again few observations of the currents. The paper further states:

> The Spencer Gulf circulation appears to be simpler than in Gulf St Vincent, consisting of one major cyclonic gyre in the southern portion in which the density-induced forces are relatively much more important compared with the wind forces in Gulf St Vincent.

The Minister may recall that we discussed this matter in the last session of Parliament. I pointed out to her that there could be a problem caused not by pollution but by thermal disturbance of the water. If the Minister were to look at the map with which I have been supplied, she would see that the circulation of water in Spencer Gulf is critical on density and temperature. If too much warm water is discharged at the wrong time of the year into the head of Spencer Gulf, the whole of the movement of currents and nutrients throughout Spencer Gulf can and will be disturbed.

Finally, increasingly around our coast, because our coast has been—I am not talking about our gulfs—relatively free of pollution, we are seeing the increasing incidence of aquaculture. I was most interested to note that in Hawaii, which is a tropical area, people grow lobster which originate in New England, as well as salmon, kelp and abalone, all of which are marine organisms found in much colder climates. That is done by feeding those marine organisms with nutrients coming from cold, rich water free from disease drawn from 600 metres below the water surface.

There is a great upwelling of cold, nutrient-rich water in which people can grow these astounding varieties of marine organism in a tropical environment. South Australia has that same unique opportunity: we have clean, pure water coming from Antarctica. This water is oxygenated and nutrient-rich, and we see along our West Coast important abalone and oyster industries developing—

Mr Lewis: And in the South-East.

Mr BRINDAL: And in the South-East, as my colleague the member for Murray-Mallee points out. We also know that experiments have been carried out which, with the encouragement of the Minister of Fisheries, involve putting a second growth gene into King George Whiting and South Australian snapper in the hope that the farming of such whiting and snapper can be accomplished within our gulfs. However, none of that can happen if our gulf waters are polluted; none of that can happen without the passage of this Bill. Our coastal waters cannot absorb pollution if we pour pollutants into our waters indefinitely. In the past we have made the wrong choices. As the world of the 1990s has discovered, in many ways technology has helped to ruin the world that we inherited.

It is, however, remarkable that the salvation of the world may also lie in its technology. If we in this place make the wrong choice, if we are too ignorant to listen, if we ignore what is said to us and do not hear the words that are spoken, we betray our past and our future, and, as the Bible says, in the end the waters will remain but we may not. I commend this Bill to the House.

Mr S.G. EVANS (Davenport): I support the Bill, but I have one or two reservations. More and more this Parliament accepts the words of people who say, 'Trust me, I'm the Minister' or 'Trust us, we are the department.' Parliament should not do that because Ministers, shadow Ministers and departmental officers are only birds of passage; they are here today and gone tomorrow. This may apply to Ministers and shadow Ministers more frequently than to departmental officers.

I refer to the definition of 'watercourse'. Watercourse means a river, creek or other natural watercourse (whether modified or not), and includes an artificial channel. That can include any course the water has taken in the history of the State, even before white man came here. We are assured that that is not the intention. I accept that from the Minister; and I can accept the shadow Minister's interpretation. However, they will not be there in the future when the Act is interpreted. I make the point that there can be no guarantee as to what the future holds while that definition remains. As I said, departmental officers move on for all sorts of reasons, as do Ministers and the membership of political Parties. In the future a Minister, just with the stroke of a pen, can declare all sorts of small creeks or channels made by private individuals to be part of the system without any warning at all.

I think I have been here longer than many others, and I remember what those who were here with me in the early days said: 'If you do not put in the Act what is truly intended, someone later on will interpret it as it is.' Guarantees that are given by any individual as to how they interpret the Act mean nothing if a person who has limited resources ends up before a court and argues that in 1990 the Minister, the shadow Minister, the departmental officers and everyone else involved said, 'Don't worry, we do not intend to pick up every place through which water has flowed naturally or unnaturally over the years or in the future.' The court would just laugh at that. It does not mean anything. The guarantees are valueless. The other definitions in the legislation also refer to the seas, lakes and inland waters, and the same principle applies. I am not attacking the departmental officers, the Minister, the shadow Minister or any political Party, but I believe that this definition is foolish. There should be clearer definitions.

I know it suits people who have to administer the legislation to have it as wide and as broad as possible so that they are not confined, but that may not be in the best interests of a person who takes an action where they believe they are entitled to do so. Big Brother or Big Sister may come along and say, 'Sorry, you are now included and what you did to earn a living can no longer be done' or 'It will cost you a fortune to make the dam useable for the purpose for which you developed or constructed it.'

The intention of the Bill is excellent. No-one ought to deny that. The practicalities of it will be expensive, in some cases prohibitive for the people's own department, the Engineering and Water Supply Department. If the project were

to be implemented rather quickly, the cost would be prohibitive.

The Hon. S.M. Lenehan: You are absolutely right. The cost would be prohibitive.

Mr S.G. EVANS: I know what the Minister is saying. She wanted the department to be excluded from that. I will give an example. When the Oakbank races were held in 1989 raw sewage covered several acres alongside the main tributory of the Mount Bold reservoir, the Clarendon weir, and the Happy Valley reservoir through the tunnel feed from the Clarendon weir to that reservoir. Not just a little bit but a whole mass of it flowed out because the department did not have the capacity in the Hahndorf treatment works to handle it. I think there was initially such a big flow that there was a blockage, making the situation even worse.

The Minister recently announced—I think it is in this budget—that about $2 million will be spent on upgrading that treatment works. Even when the sewage is treated at that point, it will not be treated to a stage where one could say that it does not carry a high content of organic material or, more particularly, it does not have a high nitrogenous content. I am not saying that it is dangerous. I am not saying that it is a major pollutant in the stream, but in the reservoir it does have the effect of enriching the water so that there is a eutrophic-type of breakdown, thus hundreds of tonnes of copper sulphate must be poured into our reservoirs each year in an attempt to control the quality of the water and to make it potable. That has gone on under all Governments, but the cost of trying to correct it is high.

Recently at Minnow Drive—and a similar thing has happened many times— raw sewage poured out over the front and back yards, into Minnow Creek, into the Sturt River and then into the Patawalonga.

The Hon. D.C. Wotton: It is happening in other sections of the watershed catchment area, too.

Mr S.G. EVANS: I know that one problem in the District of Heysen has been corrected in part; that is, at the junction of Erica Road and Heathfield Road. However, there are other places, too. Part of that is caused by irresponsible householders who direct, illegally, rainwater from their house roof into their yards or into the sewage deep drainage system. I believe that the department should carry out an intensive campaign, not just a moderate campaign, attacking that practice; it should use a smoke test, find those people who are offending and take action against them. Some of them will be my constituents but, for the sake of the law abiding, one has to advocate that.

It may sound a bit crude and perhaps distasteful, but raw sewage in the system does not hurt too much given the little that goes down, and that is what we are trying to track down through this Bill. The chemical and the more serious types of solutions that harm fish, marine life and other forms of life should be our first target. I do not deny that.

However, in doing this the department must set an example and be determined about it. There is not much use picking on a small business operator or a householder who puts a very small quantity into a stream. For instance, they might spray an orchard and throw away the empty tin which might have part of the chemical left in it, and then the department hits them with a fine ranging between $150 000 and $1 million. I know that $150 000 is the maximum fine for a minor offence and that people might be let off more lightly.

When we talk about these sorts of figures, we put fear in people's minds, and it becomes easier for a Government inspector or a departmental officer to attack an ordinary, citizen or a small company than a large operator, the department itself or another department. For example, if the department wanted to carry out a check, it would find that in the 1970s the Adelaide University, through the Waite Institute, put so-called empty containers containing chemical sprays—and, it has been suggested, another more serious type of pollutant which I will not mention here for the sake of sensationalism—down an old mine shaft, and they are still there. They did this right above residential areas such as Urrbrae, Springfield and Kingswood because it was a convenient place to throw these containers. I regard this as a great institution both at Waite and Adelaide, but nonetheless that is the sort of action that people took without thinking.

It would be interesting if the department carried out a check to find out what is down that mine shaft. In more recent times, just behind the tanks on Hillside Road, that institution buried four-gallon drums. I intended to play the devil's advocate, get the television along and make a bit of a story about this, but in the meantime a neighbour went to them and said, 'What the heck do you think you're doing, burying these things about a metre under the ground on land just above the water tanks?' I am not suggesting that the material would get into the water tanks, but it was being buried just above them. The people concerned were regularly disposing of them as and when they were ready to get rid of them.

It is difficult if an institution such as this conducts this sort of practice while a small operator gets caught dumping one container of weedicide or something similar in the course of his agricultural pursuits. I do not condone either one of them; I am just giving examples. To the credit of the Waite Institute, it did not leave the cans behind the tanks, but dug them up again. I do not know, and do not wish to know, where they disposed of them, because I think it would have been done in a proper manner.

Recently, I wrote to the Minister about another incident. Earlier in the year, raw sewage and parts of animals belched up out of a main in Claremont Avenue, Netherby, and flowed down the street in the gutter towards the kindergarten situated on part of the Waite Institute land. On checking with the Minister to see whether the resident's advice was true, I was told that it was. The Minister says now that the Waite Institute is setting about making sure that a better method is found for treating animal waste and parts of animal remains before they are put into the system. In this case, I think it was pigs' eyes and other parts of pigs that came out of the drain into the community.

I support this Bill, but I have a reservation about how severe and how quickly we should apply penalties to individuals, small companies and the department itself. It has taken 150 years to reach this stage, and I do not think we can correct the situation in five, six or 10 years. I know that promises have been made, but anyone who thinks we can do this will have difficulty convincing us. Perhaps most of it can be corrected, but we will still be attempting to correct some of it in 10 years time or more—and we have to accept that.

I do not think that the end result will be disastrous for us as a State or a country, or for the world, because if we look at some of the other countries with bigger populations, countries with more inadequate controls in private and public practice, we see that their problems are horrendous and that, in comparison, our problems are minute. I wish the Minister success with this Bill and hope that compassion becomes part of the compulsory system.

Mr De LAINE (Price): I rise to support this Bill. I congratulate the Minister on the way she carries out her ministerial duties and, in particular, on her work in drafting

this excellent Bill. The previous Bill lapsed in April this year, as members are probably aware, because of lack of support by the Liberals and an unrealistic time frame set by the Democrats in another place.

A major consideration of this Bill is to keep good faith with companies in South Australia which are doing the right thing and attempting to be environmentally responsible. Not all companies are polluting the marine environment; some are very responsible and are trying to do the right thing, and I would say that the majority of companies and individuals fall into this category.

The Government has made a firm commitment to cease the discharge of sewage sludge into the gulf by the end of 1993. The Bill allows eight years for general compliance with the requirements of the Act. Most companies will clean up their act much more quickly, mainly because of the incentives built into the bond provision. However, the legislation is responsible and sensible and allows eight years for all companies and individuals to comply. We have had pollution in one form or another for the past 150 years or more, so it is only fair and reasonable to allow adequate time for companies and individuals to comply with the new provisions. This Bill differs from the one introduced in February this year in that it contains increased penalties and no longer includes powers for the Minister to issue individual exemptions. I think this is very good, and it is one of the measure's main strengths.

As the member for Price, I have a particular interest in this Bill for two main reasons: first, in my electorate, the North-Eastern Drainage Board's main stormwater drain discharges into a major ponding basin in the Gillman area and then goes through sluice gates into the North Arm. This area is important to the ecology of the surrounding area and, in particular, the mangrove stands which are vital to the State's fishing industry. The member for Hayward, referred to research being undertaken. Before the honourable member came into this place, during the past three years or so much good legislation has been passed to do what he proposes; that is, to protect the fishing industry. It is true that certain fishing grounds were being over-fished and fished out but, because of legislation enacted in the past three years or so, it is hoped that that situation has been reversed and the fishing industry will pick up. For the honourable member's benefit, I can say that the South Australian fishery is recognised internationally as one of the best managed fisheries in the world today.

Secondly, I am interested in the Port River itself and its condition. During the past couple of decades the use of the inner harbor of the Port River has gradually changed, and it will continue to change in the future. Previously, it was almost entirely used commercially by shipping. Now, with the demise of shipping and the establishment of containerisation facilities at the outer harbor, the inner harbor is rapidly becoming an area used mainly for recreation.

Of course, the proposed multifunction polis in this area will give new significance to pollution, and will give extra significance to this Bill. The main problem in the Port Adelaide area with the Port River is the almost continual 'red tide', as it is called, from about late spring through to mid autumn. This red tide is a brick red coloured algal bloom consisting of organisms known as dinoflagellates. The effluent outfall from the Port Adelaide sewage treatment works, which flows into the Port River and is very rich in nitrates and other nutrients, and the stratification caused when effluent mixes with salt water from the Port River, create an almost perfect environment in which these blooms flourish and spread.

Another cause of this is the nutrient rich stormwater, which is a problem, although not nearly to the same extent as the effluent from the Port Adelaide sewage treatment works. Expert advice tells us that these red tides will not be suppressed unless the discharge of effluent stops. That will not guarantee that the blooms will disappear completely but will certainly control the situation, and they will not be nearly as bad as they are now. Constant monitoring is conducted by a marine researcher, Jean Cannon, a member of the Marine Environment Protection Subcommittee established by the Environmental Protection Council. Jean Cannon is an excellent person, and I have spoken to her and attended talks by her in Port Adelaide in relation to these red blooms and other problems in the Port River.

The Bill proposes that this committee will be the main source of advice to the Minister in areas of marine pollution. These red tides are monitored on a daily basis and, because of weather and other conditions, during the summer months there is a need for the Minister of Fisheries to issue public warnings against the consumption of shellfish taken from the Port River and associated reaches. The source of these red tides, as I said before, is the organisms known as dinoflagellates.

There are many types of these in the world, although only several here, very few of which are harmful. The species that causes the red tides in the Port River is a species called *Alexandrium*, which is one of the harmful organisms. There is circumstantial evidence that the organism *Alexandrium* has been spread around Australia in ballast water in ships, and it is a problem throughout the world.

We are lucky in one respect: we have only a few of these species of organism in South Australia. As I said, this organism is thought to be spread around Australia in the ballast water of ships and, following concern expressed through several Commonwealth-State ministerial councils, the Australian Quarantine and Inspection Service developed voluntary guidelines to improve control over organisms in ballast.

These have been on trial for six months from February of this year, and this trial includes controls to re-ballast ships in the open ocean, taking up water free of coastal organisms. Hopefully, this will help alleviate the situation. The initial response is very favourable, and Australia is taking an initiative of international significance in this field. Another issue linked to this control of the organisms in the Port River and other areas of the marine environment is the issue of fouling organisms. Following concern over the effects of TBT (tributyl tin) anti-fouling on oysters, several States have placed bans on TBT. Unfortunately, there has not been a national approach to this and controls are not uniform.

The Australian and New Zealand Environmental Council (ANZEC) set up a working party to examine the wider issue of managing anti-foulants. This body is convened in South Australia. ANZEC has accepted recommendations for uniform control on TBT, the possible reduction in the currently approved release rate, the collection of objective user/consumer information on coatings and, bearing in mind that fouling organisms are highly likely to become pests, ANZEC has directed that the control of both anti-foulants and fouling organisms should be taken up in the proposed National Water Quality Guidelines being considered by the EPC subcommittee mentioned above, and would become the foundation of criteria and standards applied under the Marine Environment Protection Act.

This Bill is very important, and is of particular interest to me in my area of Port Adelaide and the marine environ-

ment around the river and reaches and along the coast, and I commend the Minister for her initiatives in this area. The Bill is an excellent one and a very important stage in the clean-up of our marine environment. If members opposite are concerned about our unique marine environment and our vitally important fishing industry, I ask them to support the Bill.

Mr LEWIS (Murray-Mallee): Naturally, I support the general tenor of the legislation. As opposed to what the Minister has declared publicly, it was not the responsibility of the Liberal Party that the previous legislation in this place lapsed; it was the petulant intransigence of the Minister herself which forced that consequence upon the legislation. She decided that she would not accept the kinds of provisions which were germane to the reason for the Bill's introduction and simply said that she would let the legislation lapse. Fortunately for us, in the interim period while we have waited for this measure there has been no major disaster that could be identified, so we can heave a sigh of relief.

I am still disturbed by provisions in this legislation, and am anxious about the wide ambit of powers contemplated which can be used in ways not intended by any of us contemplating the legislation tonight. The member for Davenport alluded to that kind of application of such powers where they are so generally stated in the legislation—so general and so all encompassing, and not just ill-defined but nil-defined, as to make it possible for a Minister in mischief in the future to do as he or she pleases and override a great body of legislation on our statute book. I am not being unduly alarmist but, knowing that it is the intention of the House to see this measure through all its stages tonight, I point out that there is no opportunity for us to amend the legislation.

I doubt very much whether members in the other place, given the balance of power, will have either the wit or the guts to do anything about it. I suspect that they will simply ignore the implications of the problems to which some of us here have been alluding. Let me draw the attention of members to clause 17 for example, the licence provision, which provides:

> Where application is made for a licence and the Minister requires further information to determine the application, the Minister may by notice in writing served on the applicant, not later than two months after the application is made, require the applicant to furnish, by statement in writing, specified information.

It does not say what the information has to be: the Minister of the day can simply please himself or herself.

Remember what happened in the case of the member for Unley during the last Parliament when, as a member of Cabinet, he invoked section 50 of the Planning Act in a way in which it was never intended to be used. I rest my case on the maladministration or misapplication of legislation in situations and circumstances other than intended at the time the legislation went through this Chamber but for the political expedience of our exercise to suit the Minister or the Government of the day to illustrate that point. The Government cannot walk away from that—it happened, and it is a blot on our history as legislators that we did not foresee the gainsay ill-advised advantage that the honourable member took at that time in taking that action and convincing his cabinet colleagues to support what he did in using the power that was available in an Act in a way that it was never intended to be used.

I have mentioned licences and situations where one must get approval to do certain things. To what kind of things could we possibly be referring? It could be anything at all and it could be anywhere at all. This legislation could be applied in any way, anywhere, because we find that it applies to not only the marine environment, as one would expect—to the sea, the ocean, the gulfs and bays around the coast—but, sensibly, the legislation also applies to estuaries and streams that flow into those areas. So it should. It also applies to things called watercourses, lagoons and lakes, and the Minister can decide wherever and whenever the Minister likes what are watercourses and where they are located. The legislation provides:

> 'watercourse' means a river, creek or other natural watercourse (whether modified or not) and includes an artificial channel.

If one looks elsewhere in the legislation, one sees where that has been used and finds that it could be applied absolutely anywhere in the State of South Australia—onshore or offshore—if the Minister wishes to proclaim an area. 'Declared inland water' is water 'declared by the Minister under this section to be inland waters to which this Act applies.' A watercourse is part of the inland waters so declared.

One could say that it is stupid for me to take the devil's advocate position in much the same fashion as I imagine the Minister would do if this were a one on one discussion. But, it is not stupid because the legislation is designed to stop pollution. Therefore, let us look at the definition of 'pollutant'. The Bill provides:

> 'pollutant' means any wastes or other matter whether in solid, liquid or gaseous form . . .

The only things it does not include are stormwater or any matter of a kind excluded by regulation from the application of this legislation. Therefore, the Minister could decide to define anything, even dust from the blower of an opal digger's excavation equipment. So, unless it is elsewhere defined as not being a pollutant, it would be a pollutant. Therefore, one can see the implications in what I am saying. If it is decided by the Minister—not necessarily this Minister, but any subsequent Minister—next week, next month, next decade or whenever that something can be a pollutant and that it is falling, or is likely to fall, precipitate or find its way into what the Minister declares to be a watercourse, the activity becomes subject to this legislation and it can be stopped. It can be stopped quite simply by several draconian provisions, and again their application is not defined.

The provisions to which I refer are to be found under Part V of the Bill (specifically clause 32), where, as a condition of the licence, the Minister can require the lodgment of a bond, which could be a sum of money. The legislation provides that a specified pecuniary sum—that means money—may be required, the discharge or repayment for which is conditional on the licensee satisfying the liability of a specified kind that might arise under this legislation. The Minister could direct a licensee to sweep up all the dust that had fallen on a certain watercourse, which may have been defined as being 50 miles wide and 400 miles long and occurring outside of the counties and eventually finding its way into Lake Eyre, Lake Frome, Lake Torrens or Lake Gardiner. The fact is that the provision is there for the Minister to take that action.

The Minister may require the bond as a pecuniary sum, which in no way is constrained to be within any given limits whatsoever. Therefore, the Minister could say, for instance—and I am using a ridiculous case because I do not want anyone to think it is a likely case—that an opal miner is required to lodge $1 million as a bond under section 32, and the miner would not receive a licence unless the bond was lodged. The interest costs on the money, as an opportunity cost for investment income forgone, would be so great as to make the prospect of continuing mining, or even beginning to mine opal or whatever, in that locality, so expensive as to destroy viability and thereby prevent mining

beginning. Of course, the same thing applies to activities other than mining: for example, any industry that is doing anything at all that may result in the precipitation of a substance that is declared to be a pollutant under the terms of this legislation.

Given the Australian Labor Party's track record on, for instance, the question of uranium mining, and the attitude that it has to a mine that extracts uranium or, indeed, any other substance from the earth about which the Australian Labor Party has strong feelings, the mine could be prevented from opening by the application of the provisions of this legislation without there being any means by which it would be possible to investigate the truth or otherwise of the assertions made by a Minister who is acting in compliance with a motion of the Australian Labor Party's State Convention. Ministers run scared of that convention: they do whatever it directs; and the fashion in which it is manipulated by good orators leaves nothing to the imagination. It is a fairly chilling scenario to contemplate the kind of damage that could be done to the State's economy and reputation abroad in the circumstances to which I refer.

When one looks at the recent record of the Australian Labor Party on similar matters, it is well within the ambit of what is possible under the terms of this legislation. It is too general; it is not specific enough; it does not spell out the framework within which the Minister must be constrained to operate; and it gives too much discretion altogether. In my judgment, it is likely to have a greater impact in the hands of ill-advised fanatics in Government—such as the Australian Labor Party has demonstrated itself to be capable of from time to time—than any other piece of legislation that we have ever passed. On the other hand, if we had the wit to have included with the legislation a sufficiently precise set of guidelines to provide us with the framework within which it could be administered and in the fashion that we would want it to be administered, it would be without question one of the most important pieces of legislation that we have considered this decade.

It is still the second last decade of the twentieth century. By way of explanation, might I say that time did not begin in zero year on zero day. There was no such thing as zero day. There was day one, of which there was the first second, the first minute and the first month and within that month the first week, and at the end of the first year was 31 December. Ten years later we had concluded 10 years of existence, and it was not until the end of the 10th year, and so on. So, it will not be until the end of 1990 that we have concluded the ninth decade of the 20th century. As a further aside, I point out that it will not be until 1 January 2001 that we enter the twenty-first century.

This decade has seen some important legislation come through this Chamber, and halfway through the last year of this decade we see this piece of legislation. It is important for what it attempts to do. We all agree with it, and I regard it as one of the most important pieces of legislation that we have ever seen. Regrettably, it is too general and could be so devastating in the mischievous way in which it is finally applied that we will be condemned by the citizens at large who suffer its consequences if it is so mischievously applied.

I want to draw attention again to a matter, to which the member for Heysen drew the attention of the House in his second reading speech, as it relates to industries which might be seen to be part of the responsibilities of the Chamber of Mines and Energy. The Chamber is concerned, and I am concerned, that the effects to which it has drawn attention in its advice of the 22nd instant are valid. The provisions of clause 32 are unnecessarily draconian in the way that they could be applied. Amendment to the provisions in that clause is certainly warranted.

It would be unjustified for the Minister to use the double whammy within the legislation so to hamper the capacity of new industry, new ventures, to get established as to prevent their establishment. It would be unfortunate for us if we were to do that. It is certainly possible that it could be used in that way. I know that no-one in this Chamber would want it to be so used, but, given that it can be so used, I believe it to be inappropriate to leave the legislation as it is, yet I have no opportunity to amend it. I commend to the Minister my sincere belief that she should seek to have it changed in the other place and accept and respect the well-reasoned case which has been put forward by the Chamber of Mines and Energy as it relates to those provisions. It ought not to be necessary or possible for industry to be so disadvantaged, as could be the case under that clause as it now stands. I have said enough. I need delay the House no longer. I thank members for the opportunity to put my concern on the record. I commend the legislation, albeit in this unacceptably broad framework, to the House.

Mr GUNN (Eyre): I intend to be brief. I want to indicate my concern that, when debating matters of this nature, we create a situation in which all sorts of irrational people go racing around the country making quite outrageous comments.

An honourable member: Not only the countryside.

Mr GUNN: The honourable member is quite right. But, irrational people use measures of this nature as a vehicle for extremist points of view which bear no relation to the real intention of all concerned people. I was particularly concerned, during the parliamentary break, that Greenpeace took it upon itself to gain some notoriety and get some cheap publicity for what I thought were outrageous and irresponsible actions. If those people want to be taken seriously, they should not use occasions, such as this, to seek publicity at the expense of rational debate.

I think we all clearly understand that we have to be particularly careful to ensure that all sections of industry are responsible, but it is also important to understand that many of the industries that such irrational groups are targeting were operating within the law when they established their operations, and have operated within the law since. Whatever we do, we must be careful not to endanger their future viability and ability to employ people. That is very important. I am particularly concerned that the debate should be kept on a sound footing, because in my electorate there is great scope for development in agriculture, mining, and in other areas.

I was particularly perturbed about the actions of Greenpeace, because I thought it was a credible organisation. However, since taking that course of action, I do not wish to waste any more time reading any of the material that it puts forward. I should be interested to know who provides it with the money to carry on in that vein and whether the people who are engaged in that activity hold down long-term employment.

I was interested to read in the paper, I think it was today, that a person who gained a fair bit of notoriety when we were debating this matter on a previous occasion had again surfaced from the woodwork and was looking for a little more publicity. If those people hold views that they want to have taken into consideration, as Parliament is now considering this matter for a second time, they have had ample opportunity to make their representations. I thought it was an act of cheap publicity, bearing no relationship to this important legislation or the decisions that the Parlia-

ment is going to make, and an act of self-promotion, to which I do not take kindly.

I support the broad concept of the legislation. I believe that the success of this legislation will be the manner in which it is administered and implemented. If it is not implemented carefully and sensibly, we shall run the risk of causing great disruption to industry and commerce, affecting employment opportunities and scaring away future investors. That does not mean that we should not ensure that industry pays its fair share for any pollution for which it is responsible. I sincerely hope that, when the Minister is drawing up the regulations and setting up the apparatus to administer this legislation, she puts in charge of it people who are experienced in industry, who are practical and who understand that it takes time to achieve people's ultimate objectives.

I have had some experience of the people who have been involved in this legislation in the past. They may have been well-intentioned, but I believe we should be very careful if the Minister hands over any of her powers to people in the Public Service. At the end of the day we could create all sorts of ripples and the Government will get the blame for it. In fact, it will only be acting upon advice, which, even though it may be well-intentioned, may be rather misguided. Therefore, I have those fears.

I have listened to this debate. Members have the opportunity for a third time to express all sorts of points of view. I hope that at the end of the day the decision we finally make is based on commonsense in the interests of the people of this State and that it will not be used as a vehicle to allow all sorts of emotive people a platform from which to attack or beat responsible industry in South Australia.

What we in this State need is the ability for industry to continue to develop, expand, produce and create employment and income, and hopefully raise the standard of living of all South Australian citizens. True, we have to protect people from pollution and look after the environment but, if some commonsense does not apply, even with all the goodwill in the world, we can pass as many laws as we like, but it will be to no effect because we will not have any industry.

I hope that the people who will administer this legislation on behalf of this and future Governments will be cautious and careful, will apply commonsense and will not allow themselves to be influenced by all sorts of minority pressure groups who wish to impose their will on the overwhelming majority of the population who are concerned but who are reasonable and want to see commonsense prevail. I support the second reading and hope that the Minister will pay some heed to my brief comments.

Mr FERGUSON (Henley Beach): I congratulate the member for Eyre on the speech that he has just delivered to the Parliament. It is one of the most sensible speeches that I have heard so far in this debate. I have no need to remind members or anyone else that this is the third time that this measure has come before Parliament, and the member for Eyre is right in saying that the Minister should be careful about handing over her powers to public servants. I assume that he includes in that committees and other people. Further, I concur with his suggestion about the need for development and expansion in South Australia and the need for the matter to be handled delicately.

Members may recall the second reading explanation provided for the second Bill that came before this House: it was part and parcel of my second reading speech. I believe that Parliament should give the Minister and her department all the opportunities necessary to negotiate with industry so that we can stop the pollution of the environment while at the same time we do not damage industry to the extent that we drive it out of the State.

Indeed, the Bill in its original form was so designed to do just that, but since then we have whittled away the Minister's powers in order to get this measure through the House and it is important that this Bill gets through the House. Members of the Opposition in this House, in concert with members in another place, have so whittled away the Minister's powers that we are now getting to a situation where, although the legislation is acceptable, it is on the borderline. I agree with the sentiments expressed by the member for Eyre, who made a commonsense contribution to this debate. I only hope that his colleagues opposite are willing to listen to what he says.

The District of Henley Beach on the coastal strip will be directly affected by this Bill. From time to time we have had grave difficulties with pollution in respect of the Port Adelaide treatment works, the Patawalonga, the Torrens River and the Glenelg treatment works. I am anxious that the Bill should go through this House so that we can get on with the job and start doing something about preventing pollution in our gulf.

It is with some chagrin that I note that this is the Government's third attempt to get this measure through the House. All along the way we have been frustrated in that desire by people who maintain that they are friends of the environment but who make sure that the measure does not go through so that the Minister and her department can get on with the job. I listened with great care to the shadow Minister's address. This is the third time that I have listened to his thoughts on the Bill and, each time he has addressed the House, his speech has become longer.

The first time around he supported the Bill almost without reservation and there did not appear to be any problems. The second time, when the shadow Minister knew he had some support in another place, he started to put obstructions in the way of the Bill and the third time his contribution was extremely long and tortuous. I just wonder what is the motivation of the shadow Minister. Does he really intend that this Bill should pass, or is it his intention to hold it up again with the assistance of members in another place? Not only that—

The Hon. D.C. Wotton interjecting:

Mr FERGUSON: The honourable member is biting—I must be getting home. Let me refer to the shadow Minister's remarks. I was surprised by his contribution, because I have sat through many hours of debate in this place and I have heard hours and hours of debate from members opposite on many Bills. The theme of their argument has often been that the Parliament is the place where decisions ought to be made, that it is Parliament that ought to have control of legislation. What do we find in this instance? We find that Opposition members want to take the power out of the hands of the Minister, who is directly responsible to Parliament and against whom Parliament can at any time move censure motions or whatever it likes to have its say on environmental matters.

What do we find? We find that Opposition members are taking the power away from the Minister and directing it to some committee. That reversal of their role in the Legislature is difficult to understand.

The Hon. D.C. Wotton: Have you read the Bill?

Mr FERGUSON: The honourable member asks whether I have read the Bill. Yes, I have. I have listened carefully to the shadow Minister's address. Not only have we heard that thrust but we have also heard the shadow Minister praising the EPC committee, saying what an expert com-

mittee it is, complaining that the committee is not getting enough work and saying what a wonderful group of people comprise the committee. The shadow Minister then suggests that the work we are to give the committee be taken away and be given to someone else.

The Hon. D.C. Wotton: It's not appropriate.

Mr FERGUSON: What does the shadow Minister mean? Does he support the EPC committee or not? That is the question. There have been some contributions from the other side that I would like to mention—and time is running out. A rather fanciful theory was put forward by the member for Murray-Mallee who suggested that the Minister might impose a bond of $1 million a mining company. We have looked at this legislation carefully and questions have been raised by members of the Government so far as this is concerned. One of the questions asked was, 'How will the Minister and her department determine the value of a particular bond?' I understand from the information that I have been given that economic theory dictates that the bond should be for an amount slightly more than the value of the environmental damage that might occur, or slightly more than the cost of the best available technology, not entailing excessive cost.

Mr Meier interjecting:

Mr FERGUSON: We now have some more experts back in the House. There is a way whereby each bond will be determined. The suggestion that the Minister and her department could charge $1 million for a bond is fanciful thinking indeed. The member for Davenport was helpful to the debate because he explained to us that the costs of removing sludge will be prohibitive. They were his words, and we agree with him. The estimate for removing sludge from the Glenelg treatment works and the Port Adelaide treatment works is in the vicinity of $12.5 million.

Mr Speaker, I know that you would not like me to allude to proposed amendments, but I would say that anyone who expects this operation to be completed by the end of 1991 is being absolutely ridiculous. I believe that some members of the Opposition—and we have to see which way they will vote—intend to propose amendments which they know the Government would find it impossible to accept, and which they know would be financially impossible to achieve; in that way, they will torpedo the Bill, wash their hands of it and then blame the Government again for not getting this legislation through the House.

I did not intend to speak this long, but I am afraid I got carried away because it is such an important subject. The expressions we have heard in this House from members opposite as to the importance of this measure will be tested when the matter is put to the vote; I hope they will support the Government and say, 'Let's get on with the job.'

Mr BECKER (Hanson): The member for Henley Beach has just held up the passage of this legislation by 12 minutes by reminding us that the shadow Minister has spoken three times and that, on each occasion, the shadow Minister has spoken for longer and longer.

The Hon. Jennifer Cashmore: He did not speak to it the first time.

Mr BECKER: This is the second time I have heard the member for Henley Beach debate this legislation—and it was the greatest load of waffle I have ever heard—as a matter of fact, I would put it in the sludge area. He held up the Parliament for 12 minutes, and I do not intend to do that.

First, I want the Parliament to know that I believe we owe future generations a clean and healthy environment, and anything that we do or the Government does to improve that environment should be supported. So, I support the legislation at this stage. I do not resile from what I said when the legislation was introduced last time. It is a Committee Bill. What does concern me is a letter that members on this side have received—and I would be interested to know whether the Minister has received a copy of this letter—from the Glenelg council. The member for Morphett had the opportunity to read the letter first, and the letter that I got was exactly the same as his. It states:

> Glenelg council has been advised by the Minister for Environment and Planning that the Marine Environment Protection Bill is to be progressed through Parliament this day, Wednesday 22 August.

If all this has been read—

An honourable member interjecting:

Mr BECKER: I fully realise that, but I want to know when the Minister advised the seaside councils about this legislation, because I believe the Glenelg council has not got its act together; the Glenelg council has been a little bit slow in drawing this to our attention or doing something about it. I do not sympathise with the Glenelg council. Surely it would know that this legislation has been before the Parliament on two occasions. This is the third occasion. What is wrong with the Glenelg council? I would say to members of the Glenelg council, if they want to complain, 'Bad luck.' Local government is a bit slow and should get its act together. I am a ratepayer, but I am not beyond handing out criticism from time to time.

As I said, I do not resile from what I said (page 715 to page 717 of *Hansard* of 21 March 1990) when we last discussed this legislation. In introducing the Bill the Minister said (page 186 of *Hansard*, 9 August 1990):

> The Government, as collector of the waste waters of most South Australians, is also committed to cease discharging sewage sludge to the marine environment off Adelaide.

Two of the most beautiful beaches in the metropolitan area, West Beach and Henley Beach South, are situated in my district. Unfortunately, the upper reaches of the Patawalonga, Brownhill Creek, the drain that runs around Adelaide Airport and the Torrens River are also situated in my area. So, the western suburbs end up copping all the rubbish, all the mess that comes down from the eastern suburbs. This water is then washed out to sea and, on occasions in the summer, makes it impossible to use the beaches. We are trying to promote Adelaide as a beautiful tourist spot, saying things like, 'Come down to the seaside', etc., but should we also say, 'If you want to risk ear infection or other infections, be careful when you swim in our waters'? That is an absolute tragedy.

Before the last State election the Minister said that the Patawalonga would be dredged on the change of the tide, sometimes twice a day. On a beautiful warm day one can go down to the beach and see a great semicircle of black muck off our beaches. I have not had a swim in the beach at Glenelg North (and I live only 50 yards from it) for the past three years. It is impossible to use the water there for recreational purposes.

The Parliament and the Government—everyone—are responsible for ensuring that that environment is cleaned up. For 19 years I have complained about pollution in that area; for 19 years I have complained about damage that the Glenelg sewage treatment works has done to waters in that area; and for 19 years no-one has admitted that the treatment works was responsible and no-one was prepared to accept the responsibility. Suddenly it is the in thing, because somehow someone found that raw sewage has been pumped onto a beach in New South Wales forever and a day. Now we decide to get on the bandwagon and do something about it.

The key to the issue—and I agree with the Minister—is the life of the Glenelg sewage treatment works, which must be evaluated. That cannot be changed overnight. The sludge cannot suddenly be brought back onto the shore because of the age of the treatment works, its condition and its future. The future of the Glenelg sewage treatment works will probably be decided within the next 12 months, because the Premier's Department has a special committee looking at the redevelopment of the Patawalonga and the upper Patawalonga reaches area, and that includes that treatment works.

So, long-term planning as well as short-term action is needed to try to clean up the whole of that area. I believe that anything that is done now is a step in the right direction. I remind the Minister also that in November 1989, in the early days of the State election campaign, Salisbury East High School students took canoeing lessons at Torrens Island as part of their physical education program. Unfortunately, one of the girls in the class fell out of her canoe and by the time she rowed back to the boat ramp she had a terrible rash all over her body. Those students are worried about the cause of the rash and about the reason for pollution in that area.

The member for Price referred to the polluted water in the general area of Gillman and to the impact of the multifunction polis. The whole area is terribly polluted. There is a waste management dump in that area and one can only imagine what seeps through that dump into the general area. The Torrens Island power station pumps hot water into the sea. There are beautiful mangroves there; in fact, the area is quite attractive, but rubbish is generated from the dump, and we do not know what the power station is doing, as ETSA will never admit to anything. There are pockets of environmental damage.

These are only two areas of the metropolitan area that are being damaged. It goes right around the whole of the State, as various members have indicated, whether it be the Murray River, the various lakes or other areas. So, as I have said, the Minister has a huge responsibility to future generations to clean up the environment.

Mrs HUTCHISON (Stuart): Like members on both sides of the House, I support the Bill, which is urgently needed and extremely important. It is particularly important to me because I represent a country electorate at the upper end of Spencer Gulf. Members on both sides of the House have already stated that they support the legislation, and I hope that when the vote is taken there will be unanimous support for it. I endorse the remarks made by the member for Eyre with regard to an article in tonight's *News*, and I wish to answer some of the allegations made in that article, because I think it is time that the sort of mischievous comments made by this particular gentleman are answered.

The article I refer to is headed, 'King of our troubled SA waters' and states that in 1988 a Mr King produced a Cabinet submission for marine pollution legislation. At that time, I believe he was known as Mr Ruler. This occurred while he was employed by the Department of Environment and Planning. Mr King says that it was not his draft which surfaced when the Government introduced its marine pollution Bill in February of this year. It is my understanding that the draft of Mr Ruler—or Mr King, whichever name he wishes to be known by—was, in fact, used and went out for consultation with the various agencies suggested by him. However, Mr King appeared to opt out at that stage and did not want to be involved in that consultative process, so it went ahead without him.

It appears to me that it is very hypocritical of Mr King to slam the Bill, as he does in this article in the *News*. The second part to which I take exception is the following statement in the article:

> In August, following direct action by Greenpeace, Pasminco Metals BHAS of Port Pirie, announced a $15 million plan to cut heavy metals going into Spencer Gulf.

I am here to say that, once again, Mr King is wrong because Pasminco Metals BHAS submitted its Waste Water Quality Improvement Program on 16 July and it was already being assessed. That proposal had to be prepared without this legislation in place; in fact, had this Bill been passed previously, the legislation would have been in place. A number of things that Pasminco BHAS did are included in that proposal, parts of which are still being assessed. It is an extremely important proposal, and Mr King was quite wrong in that regard.

Having read this article, one would have to question Mr King's political agenda. At the last Senate election, he was an Independent candidate and I believe he polled .018 per cent of the vote. Part of his platform at that time stated, under a section called 'Government Management', that 'Government management and employment controls need to be tightened to ensure that managers and staff do the job effectively that they are paid to do.' The inference that I gained from this is that they do the job under the conditions under which they are hired. It appears to me that Mr King does not practise what he preaches, and that in his particular position he did not think that he had to abide by the conditions under which he was employed. I find this rather disturbing.

In a letter of 28 February 1990, Mr King talks of the discharge of 300 tonnes of heavy metals per year from the lead smelters at Port Pirie. Because this vitally affects my electorate, I did some research to see where Mr King got his facts from. Again, he was wrong. He quoted a report from the Executive Summary by CSIRO released in December 1982, but many people assumed that the main source of metals in the waters off Port Pirie is the dissolved load from First Creek. In fact, most of the load deposited over the entire 100 years of the operation has been airborne. In 1982, liquid effluent deposited about 7 tonnes of cadmium, 47 tonnes of lead and 140 tonnes of zinc to Germein Bay. At that time, airborne deposits amounted to 150 tonnes of lead per year. This has been reduced by a joint BHAS and Government action to less than 30 tonnes. The airborne loads were given priority—and rightly so—because they presented the greatest human risk.

The total load from air and water is unlikely to reach the 300 tonnes per year that Mr King quotes, and in the past 10 years it has been reduced from over 350 tonnes to just over 200 tonnes. This is a genuine effort at cleaning up, so some of Mr King's comments have been more than mischievous in that regard, and Pasminco BHAS is to be commended for its efforts, without legislation being in place, and its genuine attempt to clean up.

The Hon. S.M. Lenehan interjecting:

Mrs HUTCHISON: As the Minister says, it has put its money where its mouth is. I do not want to delay the House for too long, but I was very concerned about the comments of this particular gentleman, not only at this time but over a period.

Another comment is that 'BHAS appears to have exerted influence on the Department of Environment and Planning in order to delay and reduce expenditure on waste treatments.' In 1987, the Government discussed an environmental and economic improvement plan with BHAS which recognised that marine pollution legislation was expected. A copy of this plan went to Mr King at that time—or Mr

Ruler as he was then known—but there is no record of any response from him. So, I would say that in June 1987 there were some proposals, and after receiving a letter from the Premier BHAS acknowledged those proposals, giving an undertaking to consult on any new environmental initiatives that the Government might introduce.

So, there was always a willingness and a preparedness by Pasminco BHAS to consult on this matter, and it was also consulted on the White Paper. Those discussions have continued all along the line. So, to say that it was as a direct result of the Greenpeace exercise that Pasminco BHAS put in its submission is absolute and utter rubbish and should be treated as such, because that gentleman has been particularly mischievous.

In conclusion, I believe that this Bill is an essential piece of legislation. It has been researched and put through the consultative processes and has already gone through the Parliament, as has been mentioned, a couple of times before. Mr King's contributions to this debate, both through the media and in written communications, have been very negative and destructive, as far as I am concerned, and wholly mischievous. I think that they should be discounted completely. In spite of his involvement in this matter, the opportunity now arises for us to do something very positive for this State by passing this legislation, and I urge all members to support the Bill.

Mr HAMILTON (Albert Park): I welcome the opportunity to speak in this debate, and give my very strong support—

Members interjecting:

Mr HAMILTON: As to the interjections from the other side, this may not be of great interest to the member for Mitcham, but I can assure him that people in the north-western suburbs of Adelaide, specifically within the electorate of Albert Park, are very concerned about this Bill. Anyone who has taken the time or has had the wit to listen over the years would know of my great concern about the impact that operations at the Port Adelaide sewage treatment works, for example, have had upon my electorate as well as upon the coast and adjacent areas.

Before dinner we were berated by the member for Morphett about the Government's not agreeing to defer this Bill so that the Glenelg council could make further representations to the Minister. Quite frankly, I find that rather amazing, to say the least. What the hell has it been up to? Is it a responsible council or not? Has it not had opportunities? As I understand it, it has had plenty of opportunities to make representations to the Minister, yet here we have a last-minute approach from two members today. It does not give us a great deal of time to make representations to the Minister, if we had wanted to, in relation to this request they put forward.

Equally amazing, I then find that I agree with what the member for Hanson just said. Perhaps it has something to do with the fact that he is on the Public Accounts Committee! The opportunity was there in the past for the Glenelg council to have made representations to the Minister, yet the member for Morphett made a very strange contribution, berating the Government before the dinner adjournment.

I must say that I fully support the general objects and functions of the Bill. Part II of the Bill, clause 7 provides that the Minister has the following functions:

(a) to keep under review the condition of the marine environment;

(b) to conduct or promote investigations, research, public education and other programs and projects in relation to the marine environment and its protection;

(c) to protect and co-ordinate action by public authorities to control the drainage of surface waters and reduce their contaminant loads to the marine environment;

(d) to promote public awareness of the beneficial uses of the marine environment and public commitment to achieving the objects of this Act;

and so it goes on. I find that admirable, and, as the Minister and my colleagues in this House well know, I will be watching with a great deal of interest what my ministerial colleague and friend will be doing in this regard, because I have a very strong commitment to this area. It is not my intention to back away from those issues that impact upon my electorate.

I find the press release put out by the Minister today very heartening, as it indicates that she will live up to the promises she made prior to the last State election. One of the things I learnt very early in my political career was that it is very easy to put out press statements but another thing to live up to the promises made. The Minister in her press release today says, in part:

> The first $4.25 million from the environmental levy on sewerage rates will target major schemes to: stop sludge being discharged into the sea from Glenelg and Port Adelaide sewage treatment works.

I am very pleased to see that and will be equally pleased to see that scheme in full operation. As the Minister points out, the entire scheme is expected to cost approximately $12.5 million, and will be presented to the Public Works Standing Committee. The press release goes on to say:

> The Government has made a commitment to halt the discharge of all sludge into the sea by the end of 1993.

That is not far away. The years tick over very quickly, and they tell me that the older you get the quicker the time seems to slip away. Talking about the time, I am getting the wind-up from the Minister.

I will be watching very closely the progress on this promise by the Minister and by the Government. It is important because of the impact it has upon the marine environment in my area. Those who have listened to some of the questions I have asked in the Parliament during the past couple of weeks will have heard me addressing the problem of sand drift and the impact of erosion on the dunes in my electorate. I am very concerned, as are my constituents living along that stretch from Third Avenue to Mirani Court and further south along the western suburbs of Adelaide. I hope that this Bill has a very speedy passage, and I look forward to the implementation of the Government's proposals.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

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

Motion carried.

The Hon. T.H. HEMMINGS (Napier): I will be as brief as the member for Albert Park. I should like to dwell on basically the same point as that honourable member, that is, the contribution by the member for Morphett earlier this evening, when there was a rather clumsy attempt by the Opposition to delay the passage of this important piece of legislation that has suffered attempts to stymie it not only in this House but in the other place on previous occasions.

The member for Morphett protesteth too much about having no knowledge of the letter the Glenelg council lobbed into this House at, I think, 3 o'clock (which is when I received it in my box). The member for Morphett told us three or four times, I think, that he had nothing to do with the letter or the fact that it reached all members, but then proceeded to argue a case for delaying the legislation being debated in this House and to pick up some of the points

raised in this letter. He even showed his ignorance by reading out the letter, knowing at the same time that we all received a copy. Both the member for Albert Park and I were pleased to see the scant regard the member for Hanson gave this letter. I am not suggesting that the member for Morphett put the Glenelg council up to this trick to try to delay the legislation—

Members interjecting:

The Hon. T.H. HEMMINGS: The member for Heysen says that the member for Morphett indicated at the start of his remarks that it was not anything to do with him. If the member for Morphett, knowing his past record, said that it had nothing to do with him, I would automatically believe that he had something to do with it. We all know the member for Morphett's record in this House. Let us consider the member for Heysen. I have a lot of regard for the honourable member. I do not necessarily agree with what he says in this place, but I think he is a sincere person and that he has the courage of his convictions. We have on the Notice Paper a very similar piece of legislation to the Government's legislation that the member for Heysen was going to introduce to overcome the problems that the Opposition saw in marine pollution and some of the remedies that this House could adopt in relation to these problems. I also know that, if the member for Heysen is going to do any work on a Bill, he believes in full consultation, and I say that very sincerely. The member for Heysen's record in this is impeccable.

I suggest that the member for Heysen, in drafting his Bill during the recess, would have prepared the speech that he was going to give tomorrow, and he would have said that there had been complete consultation with all interested bodies—and there would have been. I am glad to have it said in this House by the member for Heysen that he would have had complete consultation—and that consultation would have taken place. Yet, what do we have here? We have a letter from the Glenelg council. I am not saying that it was put up by the member for Morphett, but I would think that the letter goes against what the member for Heysen has, in effect, just intimated to the House in relation to there having been full consultation by the Opposition in relation to the Bill that it planned to introduce tomorrow; that is, that the Opposition saw all interested parties and put its legislation before them either for their approval or for their comment. Yet, here we have the Glenelg council requesting the opportunity to discuss this matter further with the Local Government Association, seaside councils and the Department of Environment and Planning.

I ask you, Mr Acting Speaker, who is telling the truth? Is it the member for Heysen? I suggest he is. Is it the member for Morphett? I am wavering a bit on that. Or is it the Glenelg council? I think it is not telling the truth because I think that there has been full consultation, right the way through not only on this Bill but also on the previous Bill that did not get very far with the troglodites in another place. I suggest that this House treat this letter with contempt; I suggest that it treats the comments made by the member for Morphett with contempt; and I suggest that it gets on with passing this very important legislation.

Mr M.J. EVANS (Elizabeth): In view of the time, I will speak only very briefly on this measure, because I know that other members have contributions to make in the Committee stage. Therefore, I will curtail my remarks accordingly. I cannot allow this opportunity to pass without placing on the record my appreciation for the way in which this legislation has evolved over time and for the consultation that the Minister has had with the various interested parties involved in this measure.

The original Bill, which first came before this House in the first session of this Parliament, was, of course, subject to considerable debate in this place and in another place. I was a member of the conference of both Houses which met to consider the amendments to the legislation suggested by another place and which, ultimately, was not able to reach agreement. However, since that time, the Minister has been able to incorporate a number of the suggestions that were made at that time by me and other members of this place and another place. I believe that some of those measures significantly improve the legislation and, while no measure is ever perfect, it is certainly good to see the way in which the Minister has been able to incorporate those suggested changes.

One of the changes that I believe has been of considerable assistance is the requirement for companies to lodge a bond. When the measure was first before the House I was very concerned that a small company of limited financial resources would not be able to cope with the significant cost of amelioration for damage caused by an action of that company. While it is true that long established firms with large asset bases could eventually be required by the courts to repair the damage they have done through any environmental destruction, that is not the case where a company does not have substantial financial resources, because the cleanup costs in this kind of operation can be massive.

Unless we have a provision in the legislation to ensure that funds are available to restore that damage to the environment, the other penalty provisions are of little value. In my view, it is the restoration of the environment that is important, rather than the fining of individuals or companies. While that is an essential enforcement measure, it is the restoration of our environment in South Australia that is the most important aspect of the legislation. Therefore, the incorporation of that particular clause in the legislation gives me some pleasure, and I was pleased to have some involvement in that aspect of the legislation.

I would also like to mention the contribution made by my colleague, the member for Semaphore, who is not able to make a contribution at this stage of the debate because of his other capacity in this House. However, I know that the honourable member has had a substantial influence on this measure. He has taken a substantial personal interest in this issue and I know that he would, perhaps, be slightly embarrassed by my placing that on the record. Nonetheless, I believe that it is essential that the public be made aware of the role that he has played in this matter. Given the time, I will conclude my remarks at that point. Suffice to say that I very strongly support the second reading.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): It is not my intention to comment on the contribution of every member in this House this evening. I realise that members are not exactly disappointed about that, because we would be here for another three or four hours, as we have been so far. However, I believe that it is important to pick up a number of points that were raised by a number of members, and those points I do not pick up we will look at in the Committee stage where that is appropriate.

I will pick up a couple of points in the chronological order of speakers. The member for Morphett raised the whole question of the Glenelg council. I am disappointed at the response made by the Glenelg council today. I spent almost an hour yesterday meeting with the Glenelg council, the member for Morphett and with officers of my depart-

ment who have now worked three times on this legislation. At that meeting we explained in some detail the fact that it was never the intention of the Government, nor was it my intention as Minister, to insist that councils such as the Glenelg council be covered by this legislation. I made it very clear from the beginning that we are not looking at stormwater and diffuse sources. In fact, we are looking at specific discharges into marine and river environments. However, I must point out to the House—as I had to point out to the Glenelg council—that, because the Opposition moved an amendment and I had it indicated to me that the Democrats in another place would support that amendment to take from the Minister the power of exemption, it meant that the Glenelg council could not then be exempted from the provisions of the legislation by ministerial decision.

My officers and I then determined that we would be able to issue a transitional licence to the Glenelg council so that it would have that eight-year period within which it is my intention—and I have made that very clear in public on a number of occasions—to look at introducing companion legislation as a second stage to cover diffuse sources, to pick up stormwater and to look at a comprehensive drainage strategy for Adelaide. This, of course, would take place within that transitional period of eight years.

I made it very clear to the Glenelg council yesterday that, when we talked about fees—I am happy to make this public, and I have already said it to the council on about four occasions—we were looking at a figure, in terms of what would be the fee in its application for this transitional licence, of approximately $200. I think that is a very small amount to cover its exemption and, indeed, for it to be able to show some leadership with respect to coastal councils in this area of diffuse sources.

I believe that my staff today tried to speak to Mayor Nadilo following the receipt late this morning of the letter, and were unable to do so. He was not available. I also stress that discussions with the council on the redevelopment of the Patawalonga are not only taking place, but it has become public knowledge. There are four proponents for four developments, in part, to clean up the Patawalonga. The Glenelg council and I, as Minister, are paying for the environmental impact statement in respect of those four proposals. We are progressing in terms of cleaning up the Patawalonga. No-one is more committed to it than I am, and it is very important.

There was an implication that somehow the design study on the trash racks was paid for by the council. Indeed, the Government has also paid for the floating boom in this case. It is important that we indicate that. I shall not proceed to talk about all the matters that the member for Morphett raised, because it is important that we move on.

I now turn my attention to the contribution made by the member for Heysen. I have publicly acknowledged, and I am happy to acknowledge publicly again, the contribution that the member for Heysen has made in terms of the debate last time and again this time. I believe that this matter is too important for us to embark on some of the things which have happened in the past. I felt betrayed and, obviously, from his contribution this evening, so did the member for Heysen. I think that the time has arrived when we must move forward into the future and work constructively and positively not only with this legislation, but with future measures that I shall be introducing to protect the environment. I have acknowledged publicly on a number of occasions that in accepting the 49 amendments put forward by the Opposition I was showing flexibility and a willingness to ensure that this legislation was addressing the broad concerns of the community and of this Parliament. I am prepared to move forward in that spirit of cooperation.

The member for Heysen talked about the whole question of Apcel and the EIS. I remind the member for Heysen that it would be inappropriate for me to make comments about this, because I am the person who, at the end of the day, is responsible for releasing the assessment of the EIS. I certainly take on board the comments that the honourable member has made. They will be transmitted to my department in terms of the assessment of the EIS which has been prepared by Apcel with respect to Lake Bonney.

It is important to recognise, just as the member for Stuart has put on the public record and recognised, the contribution that has been made by BHAS at Port Pirie in terms of coming to the party, putting its money on the table and working constructively with the Government to get on with the job of cleaning up the environment. By the middle of 1992 Apcel will have completely installed the process by which it will move from chlorine bleaching to the use of hydrogen peroxide. The fact is that it has been prepared to work on the Lake Bonney management committee, which I established, with the community, with environmentalists, local government and my officers. I have found that at every turn it has been prepared to spend its money and to introduce the latest technology.

While in Sweden I was privileged to meet representatives of the company which is going to move forward and implement the introduction of this new technology. That company is considered a world expert in this area. I believe that this technology will be something of which every South Australian will be proud. I shall also be making statements in future about the treatment of the secondary effluent. My department has responsibility for implementing that plant in the future.

The question of bonds has been canvassed by a number of members, but the member for Heysen was the first to raise it. I have to say that this is not new and different. Bonds have been implemented and introduced in New South Wales and Victoria. At the last meeting of the ANZEC Ministers this was agreed as a national approach right across the nation, and for New Zealand. This is not new and it is not different. I remind honourable members that the wording of that clause is that the Minister 'may' introduce and set a bond.

I have to say, to add a moment of lightness to this discussion, that the contribution by the member for Murray-Mallee, in terms of the Minister actually imposing on opal gougers a $1 million bond, has to be seen in its context. One wonders how many opal mines will cause incredible pollution to the marine environment. The honourable member obviously had not read the legislation, because there is provision for appeal. If a Minister of the day somehow lost control of their senses, the opal gouger would apply to have that bond reduced.

An honourable member interjecting:

The Hon. S.M. LENEHAN: It really is Sir Percy Blakeney, as my colleague reminds me. I really do have to pick up the points on the Environmental Protection Council. I should like to read to the Parliament a letter which I sent, having given a commitment to the community in this State that we would proceed, with or without the legislation, to improve the marine environment, to work to implement

national standards and national penalties, and I would not allow the fact that we did not have legislative backing to hinder our work. Therefore, I wrote to the Environmental Protection Council, and I should like to read this letter into *Hansard* because it is really important:

The purpose of this letter is (as provided in section 14 of the Environmental Protection Council Act 1980) to refer to the Environmental Protection Council the following matters affecting the environment of South Australia, and to ask the council to report on these matters.

I therefore ask the Environmental Protection Council to consider and report on:

(a) preparation of receival water quality criteria for the coastal waters of South Australia, and for any inland waters for which complementary criteria should be prepared;

(b) suitable codes and other sources of information which may be used to prepare iterim standards where there is insufficient field information to derive a set of criteria;

(c) defining beneficial uses of waters;

(d) nominating desirable beneficial uses of waters that are currently considered to be degraded; and possible target dates to achieve those uses;

(e) priorities in dealing with particular classes of pollutants,

the council could use the following working definitions.

I then outlined the definitions of 'criteria' and 'standards' which were taken from the earlier unsuccessful Bill. This letter was sent on 30 April this year. The subcommittee met first on 6 June. The subcommittee has met three times and has largely adapted the draft national guidelines for local consideration.

In the Committee stage I shall be very happy to read out the names of the members of the Marine Environment Protection Subcommittee of the EPC, because it will indicate the calibre, quality, professionalism and expertise of that committee. I would defy anybody in this State to challenge their ability to carry out the functions which I requested of them and which they very willingly undertook. I have a document from the Environmental Protection Council of South Australia entitled 'Water quality guidelines for estuarine and marine waters'.

That is a draft document prepared in response to my request for this receival criteria. In the interim since this Parliament last considered the measure not only have we seen the adoption of national guidelines by all the States, the Commonwealth, and New Zealand but this subcommittee has taken those guidelines and started to develop criteria for South Australia. I want to place on the record my thanks to the committee members for the incredible hard work they have undertaken.

We have talked about setting dates. Probably we will have more discussion in Committee. I point out that I made today, with the Treasurer's concurrence, an advance announcement with respect to the budget that will be handed down tomorrow. The first money collected from the environmental levy will be put to what every member of this House and everyone in the community would support, that is, the removal of sludge from Glenelg and Port Adelaide as quickly as possible. What I have announced today is that we will be piping the sludge from Glenelg to Port Adelaide and from Port Adelaide to Bolivar. The cost of that exercise is $12.5 million.

I ask the member for Heysen seriously to ask himself whether any Government with any amount of goodwill and unlimited funds could possibly do that by 31 December this year. Of course it could not. I have given an assurance and I have Cabinet concurrence. The Treasurer will be announcing in tomorrow's budget that we are getting on with the job and we are honouring our commitment. You, too, Mr Speaker, will welcome that decision as one of the members for the western area.

Further, I wish to acknowledge, without referring to all the points made, the contributions of the members for Hayward, Davenport and Price. I had intended to make the public announcement concerning the Port Adelaide and Glenelg sewage treatment plants, and the member for Price raised that matter in his speech. I have also referred to the points raised by the member for Murray-Mallee. I do not believe that his fears about the setting of bonds are justified, unless in the future a Minister takes leave of their senses, and I can assure the House that Parliament, the Environmental Protection Committee and the community would have something to say about such a Minister. I also want to thank the member for Eyre for his contribution. As usual, he adopts a very balanced and sensitive approach to debate in this House. In his inimitable fashion the member for Henley Beach produced a spirited, thoughtful and important contribution to this debate.

I would also like to congratulate and thank the member for Hanson for his contribution. I have obtained the answer to his question; he asked whether I had made sure that seaside councils had been informed. Apart from the fact that the matter has been in the media since last year, I can inform the honourable member that on 15 February the Federal Environment Minister, my officers and I addressed a seaside councils forum in the newly built Marion council chambers at which this matter was discussed fully. Seaside councils understand and I believe support this Bill totally. They know that it is not meant to 'catch' them, and I am looking forward to their support in working to finalise the next stage, that is, diffuse source legislation. It will be a harder phase, but I believe we will be successful because the Opposition does support this.

I am sure the shadow Minister supports it and I know that members from seaside areas support our moving to ensure that we protect the marine environment from stormwater and other diffuse discharges. I thank the honourable member for his contribution.

The member for Stuart made a precise and timely contribution. Some of us have sat in this House and borne the inaccuracies and the gross injustices that have been meted out to people by the gentleman who raises his head whenever this Bill is to be debated in Parliament. It is sad that someone feels that they have to perform in this way—it is not just. However, it has been shown by the member for Stuart's contribution that that view is not correct. I thank her not only for her contribution but for her ongoing commitment in her own local area and in the Port Pirie area. She has been tireless—and I mean this—in meetings that she has had with BHAS and with me, and in her positive contribution in terms of working with both my officers and the company in her own electorate in regard to this legislation. I believe that the member for Stuart shows us that this is the way that we need to proceed in working with industry in South Australia.

I would like to thank the members for Albert Park and Napier for their contributions. The member for Elizabeth was the last speaker in the debate and I would like to acknowledge his contribution and thank him for his positive and constructive suggestions concerning the implementation of a bond system. I am delighted to say that that is included in the legislation.

If I have not answered any of the points raised by members I will only be too pleased to do so in Committee. I commend this legislation to the House. However, before closing it is important, as this is the third time that the legislation has come before Parliament, to acknowledge publicly the hard work of members of the department. Officers have spent many hours over and above the time for which

they have been paid. They have been willing to brief anyone who wanted to speak with them; they have consulted; they have met with people in the community; and they have contributed, I believe, more than anyone would have expected in normal circumstances. It just goes to show that the criticisms often levelled against public servants are not only inappropriate and grossly unfair but in this case completely out of court. I want to put on the public record my thanks to my departmental and ministerial staff for the support they have given me in ensuring that we have before us an excellent piece of legislation.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Application of Act.'

The Hon. D.C. WOTTON: I indicated in the second reading stage that I hoped the Government would be working towards consolidated legislation. We have the Environment Protection (Sea Dumping) Act, the Pollution of Waters by Oil and Noxious Substances Act, the Water Resources Act, this Bill and the legislation to which the Minister referred a few moments ago that is likely to be introduced in the near future. It is extremely important that we work towards consolidated legislation in this area. Because of the duplication that already exists (and we have been talking about setting up committees and imposing different penalties), I would be interested to know what the Government has in mind in this area.

The Hon. S.M. LENEHAN: Certainly, it is my intention, wherever possible, to consolidate legislation. The fact that I brought in the Water Resources Act, which consolidated a plethora of legislation under one simplified Act, indicates that that is certainly the way I would like to operate in this area in the future. I understand there are some problems with some of these Acts in terms of the fact that they are mirror Acts as opposed to companion Acts. However, the honourable member's suggestion is worth adopting. At the moment I am having discussions in my department about the way in which we can consolidate a large number of environmental Acts which may not necessarily relate particularly to the Marine Environment Protection Bill but to a large number of other environmental Acts. So, certainly, I can assure the honourable member that I will look at this in detail and have negotiations and discussions on this matter.

The Hon. D.C. WOTTON: Because we are talking about the need for consolidated legislation, will the Minister say what stage has been reached on the national water quality guidelines? The guidelines have been referred to on a number of occasions in this debate, and I know that that matter has been before the Minister's council over a long period. In fact, some eight or 10 years ago when I was attending meetings of that same council that matter was on the agenda.

The Hon. S.M. LENEHAN: As the honourable member would know, at the last ANZEC conference natural water quality guidelines were adopted for both estuarine and marine waters. I referred that decision and those guidelines to the newly-established marine environment protection subcommittee of the EPC. I can assure the honourable member that considerable progress has been made in terms of bringing together those water quality guidelines and setting criteria for receiving waters for South Australia. That task is not yet completed. I have before me a draft document which is reasonably voluminous and which indicates the enormity of that task. I hope that in about a month the criteria will be established. In other words, we hope that by the time the legislation comes into force, we will be acting on that set of criteria, which will be available for all the world to see.

The Hon. D.C. WOTTON: I presume this is a public document. If the Minister has made a copy available to the subcommittee, will she make a copy available to me? Further, the Minister has referred, in a sensitive way, to the Apcel situation and the EIS. I do not want to push that issue any further, because I understand that it is sensitive. While I realise the Minister is to assess the original statement, I believe there may be a suggestion that that environmental impact assessment will not be sufficient. Is the Minister giving further consideration to seeking Crown Law advice in that regard? It would seem strange to me that the Minister, or the department, is putting a lot of effort into assessing the EIS that has been referred to originally? However, now that the suggestion has been made, further legal advice would suggest that the new mill is not covered by the indenture agreement. If a new EIS is required, the sooner that can be sorted out the better.

The Hon. S.M. LENEHAN: Certainly, the view put by the honourable member has not been put to me previously.

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: I know, but I have not seen that publication. With respect, I do not think that we make Government decisions on publications that are put out by individuals which disclaim being official publications of an organisation. We are talking about a company which, I believe, has demonstrated its good faith in terms of its being prepared to spend money, to introduce new technology, to move to a complete change in process and to work with the Government to ensure that we have discharges at the factory gate which will meet environmental standards in the future. So, it would not be my intention to just overturn all that good work because someone has claimed that it is not a valid EIS and when I have not even given the company the opportunity of having that EIS properly assessed.

Regarding consolidation of the Environment Protection (Sea Dumping) Act and the Pollution of Waters by Oil and Noxious Substances Act, I point out that these Acts mirror Commonwealth statutes, and the drafting has to reflect that. It is not a simple matter of just saying, 'We can take these two pieces of legislation and somehow incorporate them in an overriding piece of legislation.' I point that out, because I want fully to answer that particular aspect of the honourable member's question.

Clause passed.

Clause 6—'Objects.'

The Hon. D.C. WOTTON: Mr Chairman, I seek your advice. We have a series of amendments concerning the setting up of a Marine Environment Protection Committee which will take the place of the Environmental Protection Council. I presume that I can use the amendment to this clause as a test case.

The CHAIRMAN: I am quite happy to allow the member for Heysen to move his amendment to clause 6 and to canvass the other consequential amendments.

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

Page 3, line 29—Leave out 'Environmental Protection Council, a committee' and insert 'Marine environment Protection Committee'.

The main purpose of the amendment is to establish a Marine Environment Protection Committee to consist of seven members appointed by the Governor, one of whom will be a nominee of the Minister for Environment and Planning; one a nominee of the Minister of Health; one a nominee of the Minister of Fisheries; one a nominee of the South Australian Fishing Industry Council Incorporated; one a nominee of the Conservation Council of South Aus-

tralia Incorporated; one a nominee of the Chamber of Commerce and Industry, South Australia Incorporated; and one a person with expertise in matters relating to the marine environment and its protection nominated by the Minister. Also, one member of this committee must be appointed by the Governor to be its presiding member.

The Opposition feels very strongly about this matter. We have debated this before, and it is not my intention to spend a lot of time on it or put a lot of detail into it. In her reply to the second reading debate, the Minister said that she felt strongly that the Environmental Protection Council Subcommittee, which has been established, was the most appropriate body to assist her in determining matters relating to the marine environment. Also, the Minister said that she would read to this Committee the names of the people who have already been appointed to what must be the interim subcommittee. However, I also want the names of the people currently serving on the Environmental Protection Council.

I have always supported strongly the need for the Environmental Protection Council, to be a watchdog for the Minister and the State on environmental issues. The powers and functions of the council are as follows:

(a) investigate and report upon existing and potential problems of environmental deterioration and protection referred to it by the Minister, or considered by it to require investigation, and if possible suggest or advise upon methods for the control or elimination of any such problems;

(b) consider, develop and report upon means of enhancing the quality of the environment and the means of preventing, controlling, abating or mitigating pollution;

(c) consult with and obtain the advice of persons having special knowledge, experience or responsibility in regard to environmental protection;

and

(d) recommend or promote research on matters connected with the environment and coordinate any such research whether or not carried out under the auspices of the council.

After looking at the powers and responsibilities of the Environmental Protection Council I agree that it could be appropriate for some responsibility to be given to it in relation to marine pollution. However, I think it is wrong that this should occur—unless the Minister has an agenda that the Opposition does not know about.

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: I am asking whether the Minister has an agenda that we are not aware of in regard to the future responsibilities of the Environmental Protection Council. It may be that the Environmental Protection Council will become an umbrella body and its subcommittees will spread out under that umbrella to deal with marine and air pollution and other environmental concerns—but I do not believe that that is intended.

I feel strongly that the Environmental Protection Council should be the watchdog for all environmental issues and that its members should not concentrate on one particular environmental concern. We have talked about this over and over again. Because of those complexities and the responsibilities that rest with the Minister, there is a need to have expert people who have a very sound knowledge of marine environment matters.

I have two main concerns. First, we seem to be changing the responsibilities, powers and functions of the Environmental Protection Council. In doing that, I suggest we are reducing the ability of the council to do other things with which it should be involved on a wider scale. At the same time, we are not selecting the appropriate people to be involved in this complex legislation to provide assistance to the Minister.

I have referred to the annual report of the Environmental Protection Council—and there is not very much of it. The Minister may have a reason for that; there may be a very good reason for it taking only one page, other than the details relating to the members and the role of the council. However, it seems to me that the Environmental Protection Council has been downgraded to such an extent that the Minister should accept the responsibility for getting it back on the road and doing what it was set up to do.

I see this as a two-way process because the legislation was amended to enable the members of the Environmental Protection Council to themselves come forward with matters that they felt should be considered, and that they should then provide advice to the Minister, whilst at the same time the council is there to provide the opportunity for the Minister to use the council as a sounding board and to do further research on any matter that the Minister sees necessary.

I am also aware that there has been concern about some issues within the Environmental Protection Council in more recent times. I referred to this matter during the last debate, so I will not go into a lot of detail, but I am aware of an article that appeared in the *News* of 7 October 1989 when the former head of the Environmental Protection Council, Professor Browning, felt that it was necessary to resign his position. According to what was said in the media release, he found it necessary to resign his position because of frustrations and because he felt that the Environmental Protection Council was not being given the opportunity to express itself in the way that he felt was necessary.

The Hon. Jennifer Cashmore: He resigned from the ALP, too.

The Hon. D.C. WOTTON: He resigned from the ALP after a 20-year membership. The article states:

The former head of a key State Government environment council has resigned his 20-year membership of the ALP in disgust over the Government's handling of the controversial $360 million Marino Rocks marina development.

The article further states:

[The professor] said that during his term as chair of the Environmental Protection Council, which advises the Environment and Planning Minister, he had been increasingly frustrated by Government reluctance to take expert advice on environmental issues.

This says a lot about the concern that I have in regard to the work of the Environmental Protection Council. So, I can only reiterate my two concerns. I am concerned because I believe that the Environmental Protection Council is not doing the work that it should be doing, and it should be given the opportunity to look at broader issues rather than being in a position where members of the committee are having to concentrate on a specific area; in this case, marine environment.

I want to make a couple of other points. I referred earlier to the representations that I received from both the Conservation Council and the Chamber of Commerce and Industry. They have both made the point strongly to me that they feel it is inappropriate if they appoint to the EPC a person who may have a particular interest in land degradation, for example, but may not have any involvement in, or any knowledge of, matters relating to the marine environment. However, under this legislation they would automatically become members of this subcommittee.

The same thing applies to the Chamber of Commerce and Industry. That body might appoint someone because it believes that that person has a wide knowledge, understanding, feeling and caring in respect of environmental issues but may not have the expertise that is required to spend a considerable amount of time on this subcommittee. In fact, I believe that a considerable amount of time will need to be spent by members of this subcommittee on assisting with

the preparation of regulations and other matters that I hope will be included; and I hope that the subcommittee is given the opportunity to have an input into those sort of matters. So I can only stress the importance of this amendment to the Minister, and I hope that she will accept it because I believe that it is essential.

The Hon. S.M. LENEHAN: I imagine that, since we will be looking at this whole range of issues, we will not go through this debate three or four times. Therefore, I will try to pick up all the points that the honourable member has made. If I can remember them in sequential order, the first question was for the names of the members of the EPC as at 22 August 1990.

The Chair of the EPC is Mr Geoff Inglis, who is nominated as a person having a special interest in environmental protection. He is the former Director of Pollution Management. Jean Cannon is a person engaged at the University of Adelaide in a field related to environmental protection. Mr John Rolls is a representative of the Conservation Council of South Australia and he is also President of the Nature Conservation Society of South Australia. Mr Alan Butler is a person with knowledge of biological conservation and has a Bachelor of Science with Honours and a PhD and is a lecturer in zoology. Ms Barbara Wilson is an officer of the Public Service with knowledge of, and experience in, environmental protection. She is a Bachelor of Veterinary Science and a Director of the Animal Services of the Department of Agriculture. Mr Matthew Goode is a person with knowledge of, and experience in, local government and I understand he is currently the Mayor of St Peters. Mr Clive Armour is a person with knowledge of, and experience in, manufacturing or the mining industry and, again, he is very well qualified and is the General Manager of the South Australian Gas Company. Eve Shannon is a person with knowledge of, and experience in, the rural industry. She is a Bachelor of Science with Honours and a farmer from Kapunda. Dr Kerry Kirke is an officer of the Public Service with knowledge of, and experience in, public health. He has a very extensive list of academic qualifications and is the Director of the Public Health Division of the South Australian Health Commission.

As I said, the subcommittee met for the first time on 6 June and has met subsequently three times and has largely adopted the draft national guidelines, as I have indicated. The Marine Environment Protection Subcommittee of the EPC is chaired by Mr Geoff Inglis, and also on this committee are Ms Pat Harbison, an environmental consultant and an authority on metals in the sea; Ms Jean Cannon who is completing a PhD mainly on red tides in the Port River; Dr John Rolls, representing the Conservation Council of South Australia; Mr Ollie Morozow, who represents industry and is also a prominent member of the Environment Institute of Australia; Mr Matthew Goode, representing local government; Dr Ted Maynard, of the South Australian Health Commission; and Dr Alan Butler, an authority on the marine biology of South Australia.

The committee is served by a Secretary and an Executive Officer. I am happy to provide those names to members of the Opposition, should they require them. I wish to take up the point that has been made by the honourable member that there have been problems in the past with the Environmental Protection Council. Those members who were present during the Committee stage when the Bill was last debated would remember that I acknowledged very clearly that there had been problems. I am very aware of those problems. They were part of the EPC before I became Minister, but since I have been Minister we have appointed a new Chair and a new committee.

That committee has got on with the job of doing what its charter says, which is:

> The council is charged with the responsibility of considering and reporting on matters affecting the environment of the State referred to it by the Minister—

and let me highlight the second part of this—

> and to consider and report on such matters as in its opinion affect the environment of the State.

I hope that the honourable member listened when I read out the letter that I sent on 30 April to the EPC requesting that it undertake a number of very specific tasks relating to this legislation, even though the legislation had not been enacted. I want to put on public record that not only have the EPC and the subcommittee established by that council worked tirelessly in the period from 30 April to the present day, but they have produced a number of very fine pieces of work with respect to progressing the intent of the legislation, even though it was unsuccessful in the Parliament.

As Minister, I am delighted with the enthusiasm, professionalism and expertise of members of the EPC—they have my utmost confidence and faith—and I believe that subcommittee is very capable of implementing this legislation. I might point out to the honourable member that it is in my own interests to ensure that we have a committee that can get on with the job of carrying out what is provided in the legislation. No Minister would be foolish enough to appoint a subcommittee or be part of the appointment of a subcommittee through an EPC if that Minister believed that those people were not competent and professional enough to carry out the responsibilities this legislation requires of them.

In the past couple of days, I have had some discussions with representatives of the Conservation Council and of the Australian Conservation Foundation and, as a result of those discussions, I will be tabling some amendments which I will be asking my colleague in another place to move. The reason I am not moving them myself is out of courtesy to the Opposition. I will be providing the Opposition with those amendments so they will be able to look at them before they are provided to members in the other place. Those amendments might well address a couple of concerns of the honourable member.

Those two amendments will relate to the fact that, when coopting members of the Marine Environment Protection Subcommittee is contemplated, there will be public advertisement of that fact, and I will be calling on the public to register any interest and to provide any nominations for cooption to the subcommittee.

I have been convinced by the logic and reasoning of members of the Conservation Council and the Australian Conservation Foundation to move an amendment to clause 10 *(g)* which will give extra flexibility both to the EPC and to the subcommittee whereby ordinary coopted members of the council will be replaced by members of the council or other persons. In other words, there will be flexibility to directly coopt on to the subcommittee people with specialist knowledge, training and expertise so that they can address the very point that the honourable member raised, if that is his genuine concern.

In addition to the two amendments that I will move, I will seek to insert a clause in line with other legislation that I have brought to Parliament. It is a standard clause in Government legislation, namely, that at least one member of the committee will be a woman and at least one will be a man. I am sure that the Opposition will not have a problem with that amendment. This will answer any genuine concerns that members of the Opposition have. I also state publicly that the Conservation Council told me today that it was delighted with these amendments and that I had

its full support for the legislation. The Australian Conservation Foundation has indicated the same support for the amendments and the legislation. I believe that I have answered all the points raised by the honourable member which cover a number of clauses in the Bill.

The Hon. D.C. WOTTON: At the outset, I point out that it must be more than 12 months since the Minister started discussing marine environment pollution legislation. It is probably a lot longer than that.

The Hon. S.M. Lenehan: I have been Minister for 15 months.

The Hon. D.C. WOTTON: Well, it must be pretty close to 15 months. It is nearly 12 months since the original legislation was introduced. In this third attempt to bring in legislation, the Minister is talking about more amendments to her own legislation.

The Hon. S.M. Lenehan: It's quite simple.

The Hon. D.C. WOTTON: For Pete's sake, it is not quite simple. The Conservation Council contacted me 10 days ago about its concerns with this legislation. Surely to goodness the Minister would have been aware of the those concerns. We have talked more on this matter of a committee than anything else in the legislation. Now the Minister has indicated that she intends moving amendments to her own legislation but that for some reason she was not able to bring them into this place. I fail to see why she couldn't. Why couldn't the Minister bring those amendments into this place?

The Hon. S.M. Lenehan: I am paying you the courtesy of letting you have the chance to see them.

The Hon. D.C. WOTTON: Why couldn't the Minister have brought them into this place and paid us the courtesy of seeing them here? I have not seen them. The Minister was keen to see my amendments as soon as I got them. This is not good enough. We are talking about legislation that has been on the books for 12 months or more. We are talking about one of the most sensitive parts of the legislation. I do not know whether it is a pigheaded attitude of the Minister or what it is. Now that the Minister is talking about amending the legislation, it seems to me that we are coming close to having a separate committee, the committee that we have proposed all the way along, yet the Minister refuses to have a bar of it. I do not know what it is. I do not know whether the Minister feels that she cannot be seen to accept this amendment. I fail to know what the reason is. It just seems ludicrous, now that the Minister has indicated that she intends to amend the legislation. If the Conservation Council and the Australian Conservation Foundation are happy, that is fine.

I suggest that the Minister has had plenty of time to amend her own legislation. If she intended to do that on this, the third time the Bill has been debated, then surely she could have got her act together and been able to bring it in as the Minister in this place, so that we could have debated it here, rather than expecting her colleague in another place to introduce it. I find the whole situation totally unacceptable and, again, I urge the Minister to reconsider the situation.

The Hon. S.M. LENEHAN: First, I have no intention of accepting this amendment to establish yet another committee at a cost to the people of South Australia of $120 000 in setting it up. Those figures can be checked in the *Hansard* report of the last occasion on which this Bill was debated here. Let us, for a moment, forget the cost to the community. If this committee were established, we would then have two separate environment protection committees or councils roaming around South Australia. We would set back months and months the progress that has been made. For all intents and purposes, we have a subcommittee of the EPC carrying out the functions of this Bill. The job is already being done.

However, the honourable member stands here and pontificates and talks about how much he supports the legislation, but, no, he wants to establish a separate committee. Let us consider what that would mean: it would mean not only extra cost to the State to establish the committee but it would also mean a delay because of the timing, the advertising and the establishment of the committee and support services, and so on. I remind the House that it would be delaying what I believe are important measures that must progress.

The Hon. D.C. Wotton: Despite the delay, you're still amending it.

The Hon. S.M. LENEHAN: I will get to that in a minute. I gave the community of this State an assurance, when this Bill failed to gain support in the other place on the last occasion on which it was introduced in this Parliament, that the Government would not allow this to frustrate its intention to protect the marine environment; that the Government would move forward; that it would appoint a subcommittee; that it would have specialists in the marine environment; that it would adopt the national standards; and that it would get on with setting the criteria. That is exactly what we have done.

Let us now talk about these very minor amendments. Sure, if I had wanted to be pigheaded, I could have said, 'I am not going to amend this legislation because my pride and my dignity will not allow me to listen to what people in this community have said.' I respect these people and I have worked with them constantly. The reason why I have not moved these two minor amendments is that those people have come to me in the past couple of days saying that they support the Bill; that they think it is an excellent piece of legislation; but that they have concerns with a couple of small areas of it. I sat and listened to what they had to say; I spoke with my officers, who then spoke to the Parliamentary Counsel.

We now have some minor amendments, which have picked up a couple of concerns—not major concerns or major features of the total legislation. I am not being inflexible and I am not being pigheaded. In fact, the situation is quite the opposite: I could have brought these amendments into this place in the same way as the honourable member gave me his amendments at 1 o'clock this afternoon. I could have rushed them in, but I thought—and quite wrongly as it turned out, (and I will not make the same mistake again, as I never make the same mistake twice in this place)—that it would have been inconsiderate to the Opposition simply to have put the amendments on the table and said, 'These are the amendments. The Australian Conservation Foundation and the Conservation Council support them; take them or leave them.'

Perhaps I should have done that. I thought the Opposition was quite genuine about trying to reach an amicable solution and that it was being serious about supporting the legislation. Therefore, I thought that I was doing the correct thing by just alluding to these amendments. Well, apparently that is not the way that the Opposition has interpreted the situation. However, let me make very clear that I have no intention of winding back the clock six months or 12 months and starting again with another EPC roaming around Adelaide.

We have one. We have competent members. Nobody in this Chamber has challenged the competency or appropriateness of some of these members. I have listened sensitively. We will be able to second directly onto that

subcommittee anybody who has particular expertise if the subcommittee is looking at particular areas that relate to some very sensitive spawning area for fish or some other particular area requiring expertise. I cannot do more than that. I believe I have explained fully, openly and frankly my position exactly.

Again, I say that both the EPC and, in fact, the Marine Environment Protection subcommittee are quietly getting on with the job, and I ask the Opposition most sincerely to support them in getting on with that job so that this legislation can pass through the Parliament and they can have the legislative backing for what they are currently doing quite successfully, I believe, in this State.

The Hon. JENNIFER CASHMORE: I have seen some botch-ups in my time over legislation in this place, but I have rarely seen anything to match this one. The Minister must be working on the premise of third time lucky, only this time it is not just the third time: she needs a fourth time to get it right. What we have just heard in the light of the previous debate is almost incredible. The incorporation in this Bill of the Environmental Protection Council is nothing more than a face-saver to try to square off the Minister with the groups who have been wanting all along what the Opposition suggested in the first place and what it is suggesting now by way of this amendment.

For some reason—whether it is related to political pride or whatever else, I have no idea—the Minister refused to adopt that proposition when it was first put. To suggest that she cannot adopt it now because it will mean further delays is an argument that is totally spurious. If it had been adopted in the first place, the legislation would have been up and running, and the committee would have been operating by now.

As to the defence of the Environmental Protection Council, I can only say that, whilst I have considerable respect for the members of that council, it is not the lack of competence of members of the council that concerns us: it is the way that the council is hobnailed by its Minister that concerns us. If anybody wishes to see evidence of that, notwithstanding the Minister's protestations about the council's competence, one only has to look at the annual report.

Mr Chairman, I invite members of this Chamber to go back over previous annual reports of the Environmental Protection Council and note the fact that, in the early days, those reports were outspoken, full of interest, substantial and of considerable value to anybody in this State who wanted to learn about the state of the environment and issues that were concerning people regarding the environment. What was tabled in this Chamber last week was a disgrace. It was thin; it was virtually useless. In saying that, I am not criticising the council. I know that, over the years, that council has been browbeaten into submission by successive Labor Ministers. If anybody wanted detailed evidence of that, one only had to see the treatment that the council received and the heat that was put under it when it had the audacity, under the Minister's predecessor, to arrange a seminar on national parks.

That was not a popular thing to do. That actually brought out into the open, into the public arena, the concerns of the Environmental Protection Council about what this Government was doing to national parks in this State. I suspect that it paid dearly for that act of courage in organising that seminar in order to bring a matter of environmental concern to the notice of the public. It paid dearly and, I suggest, if the committee that the Opposition is suggesting were to be set up and allowed to use its own teeth, it, too, would be silenced in the way the Minister and her predecessor have silenced the Environmental Protection Council. The Opposition simply cannot accept the Minister's arguments.

But for the fact that this important Bill has to go through the Committee in three-quarters of an hour, I would give somewhat more detail of the chapter and verse of the sorry history of Labor Ministry treatment of the Environmental Protection Council and the reasons why the Opposition has little confidence in the structure that the Minister is substituting for a structure that we believe would be far more successful, effective and likely to serve the interests of the marine environment in South Australia.

The Hon. S.M. LENEHAN: Notwithstanding the personal attack and vitriol of the honourable member, I give the Committee an assurance that, as Minister for Environment and Planning, I have no intention of nobbling any committee that comes under my responsibility. My record as Minister of Water Resources and Minister of Lands for more than two years should indicate that. The honourable member obviously has a great deal of anger and resentment towards the Environmental Protection Council. On a number of occasions I have said that I do not intend to go backwards; I intend to go forward. It is clear the Environmental Protection Council can and will perform a major role in protecting the environment of this State. As Minister, I have every intention of supporting that council and that subcommittee in whatever areas they raise and whatever they do. I totally reject any suggestion that, as Minister, I would be nobbling—I think that was the term used—that council. I want to have that very clearly on the public record for the future for people to make their judgments accordingly.

The Committee divided on the amendment:

Ayes (21)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn, and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton (teller).

Noes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Peterson, Quirke, Rann and Trainer.

Pairs—Ayes—Messrs Brindal and Chapman. Noes—Messrs Ferguson and Mayes.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my vote in favour of the Noes. The question therefore passes in the negative.

Amendment thus negatived; clause passed.

Clauses 7 to 31 passed.

Clause 32—'Power to require lodging of bond or pecuniary sum to secure compliance with Act.'

The Hon. D.C. WOTTON: This clause relates to bonds, about which there has been quite an amount of debate. I think it is appropriate that, if a company is to hand over a sum of money as a bond and if it does the right thing and the money is returned, it should receive the interest on that money. I therefore move:

Page 14, line 28—After "to the licensee" insert "together with an amount representing interest on the pecuniary sum at the prescribed rate for the period from the date of its lodgment with the Minister until the date of its repayment".

The Hon. S.M. LENEHAN: I am quite happy to accept the amendment moved by the honourable member and, in order to save the time of the Committee, I will not speak on it.

Amendment carried; clause as amended passed.

Clause 33—'Review of decisions of Minister.'

The Hon. D.C. WOTTON: Earlier in the debate we discussed the likely amounts that these bonds would constitute.

Earlier, the Minister explained how the amount of these bonds would be determined. Can she explain exactly how she or the committee will determine the amount of these bonds?

The Hon. S.M. LENEHAN: First, the bond is intended to provide an economic incentive as distinct from the kind of command and control type of legislation. Bonds have been introduced in other Australian States: in New South Wales in 1987 and Victoria in 1988. So, they are nothing new or different. The last meeting of ANZEC agreed that we would move to have bonds introduced in legislation throughout Australia, and I believe that bonds have already been introduced in New Zealand.

Let me outline clearly the requirement of this provision, which does not make it mandatory for the Minister to require a bond. It provides that the Minister 'may'. The whole intention is to look at individual situations and to have a degree of sensitivity and flexibility. I know concern has been expressed that this could be seen as being anti-business or that it may disadvantage genuine companies wanting to establish industries in South Australia. I assure the Committee that that is not the case and that bonds will not be set (where we consider it appropriate to set bonds) at a level that will ensure that the company cannot proceed.

I will not refer again to the member for Murray-Mallee, because I do not think that that example is probable. I do not have a list of amounts. We are talking not just about money but about a range of things including a bank letter of credit, certificates of title, personal and bank guarantees, bonds, insurances and similar items. We are talking not just about a monetary amount but about a range of financial incentives which will ensure that companies move as quickly as possible to implement technologies and to comply with the requirements of the legislation. There is support within the broad community for bonds, and it is appropriate that we move to introduce them.

The Hon. D.C. WOTTON: What will be the upper limit of bonds? What will be the highest amount of money involving a bond?

The Hon. S.M. LENEHAN: We are certainly not talking about millions of dollars. That will put the mind of the member for Murray-Mallee at rest in terms of opal miners and others. The upper limit will be in the hundred thousand dollar range or slightly more. I do not have an accurate figure. That needs to be handled sensitively and with consultation.

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

Page 15, line 2—Leave out 'District Court' and insert 'Supreme Court'.

We have given much thought to this matter. We originally considered that it was appropriate for an aggrieved person to take an appeal to the District Court but, because of what we presume will be large amounts of money—I am disappointed that the Minister is not able to indicate more clearly what amounts are likely to be involved—it seems that it should fall more in the jurisdiction of the Supreme Court than the District Court.

We have sought legal advice on the matter, and received the strong advice that in this case it is far more appropriate for the Supreme Court to be the responsible court of appeal. Also, can the Minister indicate other legislation where an appeal is provided for and where the District Court is prescribed for such an appeal? I ask the Minister to support the amendment, which I believe is important.

The Hon. S.M. LENEHAN: I will answer first the last question which concerned other legislatures that have provision for appeals in relation to bonds. In New South Wales appeals are to the Land and Environment Court which, I am reliably informed, is equivalent to the District Court. In New Zealand with respect to the Resource Management Bill, the Planning Appeal Board and planning judges have the same powers as the District Court. In Victoria appeals are to the Administrative Appeals Tribunal, which is somewhere between a District Court and a Supreme Court.

I am not able to accept the honourable member's amendment, because a bond is part of a set of conditions imposed for a licence, and I believe it would be totally impractical to refer only the bond condition to another court. More importantly, I have a philosophical position on this and I, too, have consulted widely on this whole question. It seems to me that one of the things we are being asked to do more and more is to grant standing to third parties with respect to appellant rights.

I think that this Bill clearly spells out that third parties have rights to appeal against the setting of particular conditions and the setting of bonds. In reality, if we accept the amendment, taking the matter out of the District Court and putting it before the Supreme Court, we will effectively prevent third parties from being able to exercise their right of appeal. Members surely must acknowledge that, if this amendment is passed, only large companies or wealthy individuals will be able to afford top QCs or lawyers to represent them.

Where do ordinary people, the citizens groups and the residents associations stand? If this amendment passes they will not be able to appeal. One of the fundamental principles of this legislation is that we have listened to the community about the granting of third party appeal rights. In a number of areas the District Court is cited. It would be crazy to have appeals in relation to bonds going to the Supreme Court but other appeals going to the District Court, because the bond will be part of the licensing conditions. If someone wanted to appeal about the conditions of a bond, they would go to one court to appeal in relation to one aspect of the legislation and to another court to appeal in relation to another aspect. That makes no sense. It is important that we maintain access for the community in terms of this legislation. By keeping the matter with the District Court, that is exactly what we will do.

Mr INGERSON: Will the Minister explain the guidelines for an appeal against a bond? Whilst industry generally supports this Bill in principle, there is a lot of concern that all of a sudden businesses will have to find a certain amount of money, and I understand that at this stage the Minister is not able to cite a top figure. Difficulties will be created not only for established businesses but also for newly established businesses if suddenly they have to find, say, $20 000 either by way of a personal guarantee, a bank guarantee or cash. In any appeal system there must be fair and reasonable guidelines. Will the Minister explain what she believes are fair and reasonable guidelines?

The Hon. S.M. LENEHAN: First, I could not agree more. It is very important that we have fair and reasonable guidelines. I am sorry that the honourable member came into the House after I had said a lot about this matter, but I am happy to restate the position. I would like to share with the House some of the examples to which we are referring when we talk about providing for a bond. A bond can be provided through an insurer or through a guarantee from a financier or, in more extreme cases, by actual cash or similar securities held by the Minister. In practice, this would be more likely where the prospective licencee could not arrange either insurance or another form of financial guarantee.

Let me remind the honourable member that the legislation provides that the Minister may require a bond. So, bonds will not be required in every case; each case will be

considered. For other reasons, we would not expect many bonds to be given in cash or its equivalent. A bond given as a guarantee or insurance would incur some costs by way of premium and service costs, but these would be a relatively small charge on reputable businesses.

The question has been raised of determining the value of the bond. The member for Henley Beach referred to this earlier and I will restate what he said in terms of how we will determine the situation. Economic theory dictates that a bond should be for an amount slightly more than the value of the environmental damage that might occur—in the case of a straight insurance provision—or it should be slightly more than the cost of the best available technology not entailing excessive cost—the most efficient option.

So, I think it is important that we see a bond not as a blunt instrument but as another form of incentive and a protection for the community. I put a scenario to the House. A company may come to the Government wishing to establish a particular process. Perhaps some of the unknown implications of the discharges cannot accurately be quantified, but a licence is granted. It makes a lot of sense to have a bond which, if anything goes wrong, can be used to rectify any damage to the environment.

I believe that bonds will be seen by industries as an incentive to introduce new technology, to conform with the licence conditions and to conform within the eight-year period. We have given people eight years, and I know that the Opposition understands the reason for that. The Glenelg council certainly does, as, I am sure, do other councils. I appreciate the fact that the Opposition has agreed to the eight-year period. Where there are valid reasons why people should come in in less than eight years, it is important that this will provide an incentive. It will provide, if you like, a comfort to the community at large and certainly I believe to the members of this Parliament.

The bonds will not in any way be seen to be anti-business or as providing some kind of penalty against business. That is not the case, and I assure the honourable member that that will not be the way in which bonds will be implemented. All this information will be available to the community, as indeed will the licence conditions. That is something we have readily agreed to and it is not a problem.

Mr INGERSON: I thank the Minister for that answer. There is no question that many people in the business community would see a lot of the bonds that are likely to be put forward by the Minister as anti-business. Also, there is no question—and I want to make this very clear—that business and industry generally strongly support these moves. Whilst they respect the present Minister, there are likely to be changes and a future Minister may not be quite so sympathetic to business.

The Hon. S.M. Lenehan: There is a right of appeal.

Mr INGERSON: I know there is a right of appeal, but I am concerned, and business generally is concerned, that fair and reasonable guidelines be established. The Minister has said that that will occur, and I hope that fair and reasonable guidelines are established quickly because, if they are not, business will have an opportunity to complain.

As members would be aware, my major concern at the moment is that we have development and that we do not have this legislation being used by any people to attempt to stop the development of industry. That is really the point that I would like to make.

The Hon. D.C. WOTTON: While I support very strongly the points made by my colleague, the member for Bragg, I remind the Committee that we are discussing an amendment that I have given notice of. I would remind the Committee that it is the desire of the Opposition that the Supreme Court should be the appropriate court rather than the District Court. I will just come back to what the Minister said earlier in regard to this matter when she referred to other States. I know that our problem is that we do not have this range of amounts of money that we are looking at. I think one would find that the larger sums would automatically be dealt with in the Supreme Court rather than the District Court. But I am not going to place any more emphasis on that, other than to say that we see the amendment as being important, and I urge the Committee to support it.

Amendment negatived; clause passed.

Clause 34—'Marine Environment Protection Fund.'

The Hon. D.C. WOTTON:

Page 16, after line 13—Insert subclause as follows:

(4a) The Minister must, before applying money belonging to the fund for any purpose other than a payment required by this Act, obtain and have regard to the advice of the Environmental Protection Council.

The Hon. S.M. LENEHAN: I am happy to accept the amendment, as that is the way I would have operated in terms of seeking advice from the council about the most appropriate ways of spending the money that was not absolutely required for payment under the Act.

Amendment carried; clause as amended passed.

Clauses 35 to 42 passed.

Clause 43—'Offences by bodies corporate.'

The Hon. D.C. WOTTON: This is something the Minister might need to look at later. This clause provides:

Where a body corporate is guilty of an offence against this Act, each member of the governing body and the manager of the body corporate are guilty of an offence and liable to the same penalty as may be imposed for the principal offence when committed by a natural person.

This legislation binds the Crown. If we look at other legislation, such as the Environment Protection (Sea Dumping) Act, the same thing applies, but there is an 'out' for a Minister of the Crown. As I understand it, a Minister of the Crown is a body corporate. I believe that the Minister should look at this provision, as she could very easily find herself behind bars. Perhaps the Minister should seek legal advice about this clause.

The Hon. S.M. LENEHAN: I take the honourable member's point. Apparently, this clause is the same as that contained in the Dangerous Substances Act.

The Hon. D.C. Wotton: But there is an 'out' there.

The Hon. S.M. LENEHAN: I will certainly take some advice. I do not fancy finding myself behind bars, and I thank the honourable member for raising the question.

Clause passed.

Remaining clauses (44 to 48) passed.

Schedule 1—'Transitional Provisions.'

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

Page 21—After subclause (2) insert subclause as follows:

(2a) Notwithstanding any other provisions of this clause, a licence may not be granted to the Minister responsible under the Sewerage Act 1929, authorising—

(a) the discharge, emission or depositing after 31 December, 1990, of sludge produced from the treatment of sewage at the sewage treatment works at Port Adelaide; or

(b) the discharge, emission or depositing after 31 December, 1993, of sludge produced from the treatment of sewage at any other sewage treatment works forming part of the undertaking under the Sewerage Act 1929.

I understand that we have about three minutes to debate this matter although, again, it is extremely important. I listened to what the Minister had to say. I was not privy to her announcement today until she referred to it earlier in debate. I do not believe that that makes much difference, to be quite frank. I still feel very strongly about this issue.

The Minister referred specifically to Port Adelaide and Glenelg. There is an alternative to depositing effluent into

the sea, as far as Port Adelaide is concerned. This is the point that we made when the Bill was considered previously. That has been the case since 1982 when the first warnings were given that action should be taken because, from time to time, the Government has used the alternative pipeline to take the sludge to Bolivar where it is dried and used as fertiliser. Page 26 of the Port Adelaide Sewage Treatment Works document, which was tabled in another place during the last debate, states quite clearly that the digested sludge to sea line was replaced with pumps in 1982, and the system as a whole is in good condition. The document continues:

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.

That is available now. 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.

There is no reason why this amendment should not be carried in its present form with the date of 31 December 1990 for Port Adelaide. There is certainly no reason why the amendment should not be accepted, as far as other Government facilities are concerned, before 1993. The Minister's suggestion in her second reading explanation that it would work against public works legislation is a furphy. I do not think that there is any justification for that concern to be recognised, and I have given plenty of evidence during the second reading debate as to why that should be the case. Plenty of precedents have been set, and I urge the Minister and the Committee to accept this amendment.

The Hon. S.M. LENEHAN: With respect to the point raised by the honourable member, I admit that there is a second pipeline from Port Adelaide to Bolivar. However, I point out that that pipeline is not reliable and I understand that it has become further degraded since that report. The E&WS has looked at this very carefully because, if that were the solution, we would be moving to do that very quickly. However, because this pipeline is not reliable, we cannot use it to pump sludge on a regular, everyday basis from Port Adelaide to Bolivar. There are a number of reasons for this. First, sludge would leach out of the pipe and we would have odour and health problems. Saline water would enter the pipe, and I am sure the honourable member understands clearly the implications for the efficiency of the Bolivar system.

Therefore, after very careful assessment of the situation, the department has determined that a dedicated pipeline to Bolivar is the recommended option. That involves approximately 34 km of pipeline and four pumping stations. The detailed design will commence very shortly. We are talking about a total program of $12.5 million to get the Glenelg and Port Adelaide sludge to Bolivar in a dedicated pipeline, because it will have to operate on a daily basis. We will be legally responsible for any leakages or breakages of the existing pipeline.

I assure the honourable member that, if it were technically feasible to do that, there is no way we would spend $12.5 million. We would have a cheaper and better solution. This is the only solution and the department has thoroughly investigated it. Therefore, I cannot accept the amendment of the honourable member for a whole range of reasons that I gave when this Bill was last before the Committee. Given the lateness of the hour, I do not think it appropriate for me to go through those reasons again and we will have to agree to differ on this amendment. The honourable member will probably accept my explanation with respect to the pipeline from Port Adelaide to Bolivar.

The Hon. D.C. WOTTON: It is a disgrace that we cannot debate this amendment. There is much more evidence that the Opposition could provide. I understand that the Bill must be concluded within five minutes. I do not believe that it is appropriate for the Minister just to give that response. For the life of me, I cannot see why, if we are looking at a relatively short period when this expenditure is to take place, we cannot use PVC piping or some alternative.

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: Well, the information that I have is that there is an opportunity to do that if it is on only a short term basis. It is quite obvious that the Minister will not accept the amendment, but I can assure members that the same matter will be dealt with in another place.

The Committee divided on the amendment:

Ayes (20)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson, Mrs Kotz, Messrs Lewis, Meier, Oswald, Such, Venning and Wotton (teller).

Noes (20)—Messrs L.M.F. Arnold, Atkinson, Blevins, Crafter, De Laine, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Ms Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Peterson, Quirke, Rann and Trainer.

Pairs—Ayes—Messrs Brindal, Chapman and Matthew. Noes—Messrs Mayes, Ferguson and Bannon.

The CHAIRMAN: There are 20 Ayes and 20 Noes. There being an equality of votes, I give my casting vote to the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

ADJOURNMENT

At 12.2 a.m. the House adjourned until Thursday 23 August at 11 a.m.