

The Bill contains increased fines on the industry and, in some cases, they are massive. There is no doubt that as the path of protection and conservation of the environment is pursued, huge costs are involved. However, industry has accepted the provisions in the hope that the provisions for massive increased fines on industry will act as a deterrent without ever having to be used. Then again, where industry acts irresponsibly in this regard, the imposition of massive fines is warranted to stop such breaches in future.

In the long term, I believe the private sector and the industry involved will react in accordance with the government's intentions. I hope, in many years to come, that industries will not be heavily fined for causing damage to the environment in which they work because it would reflect badly on them.

Originally the cost of repairing any damage to the environment was paid from a clean-up fund established under the old Act. In my view the fund failed to achieve satisfactory results because those administering it no doubt had the view that, "If we don't pay and somebody else pays, let us not care". The Bill will place the responsibility fairly and squarely on the shoulders of the offenders and persons involved in industry. Therefore, the individual is made totally responsible, not the community as a whole, and so it ought to be.

The Opposition supports the creation of the new offence of aggravated pollution. That is parallel to the new offence in the Litter Act of aggravated littering. As I have indicated, the Opposition fully supports those provisions. It agrees that where pollution is created intentionally, the new fines prescribed under the Bill should be implemented and there ought to be no leniency. The Opposition supports the government's proposal in that area.

The Bill also widens the definition of environmental hazard, which will enable the Environment Protection Authority to take action in a broader area. The Bill allows the authority to require financial assurances from operations where the potential exists for severe pollution. This is a new provision which places the onus solely on the individual and requires a financial assurance to cover any cost of cleaning up pollution that may occur within his industry which includes any land or other holding. The Opposition fully supports the direction taken by the government in that area.

However, I should like the Minister for Planning and Environment to address a matter of concern in his reply to the contributions to the debate. I refer to the fact that the Bill does not appear to deal with the existing operations where pollution has already occurred or is occurring. I am unable to find any provision that covers such circumstances, and I ask the Minister to comment on it later.

The Bill appears to strengthen the Environment Protection Authority's position regarding new operations. It is important that the authority have the power to address environment control issues daily because the public demands that this direction be taken.

I should like the Minister also to comment on another area that the Bill does not seem to cover: that is, where the polluter is insolvent or where a contaminated site is abandoned. I should like to know what action will be taken and whose responsibility it will be to take such action. I ask the Minister to explain what direction the government and the Environment Protection Authority will take in that regard.

Why are financial assurances to be limited to Schedule 4 premises? I am not sure whether this Bill is intended as a short-term measure and whether a future Bill will be introduced to cover those areas. I have not been informed by either the government or the authority about that, but I believe it is obvious that the small operators within the area are more likely to default than the larger well-established operators, who are trying to consolidate their future within the industry.

In talking to the large operators, I found they responded to the provisions of the Bill in a responsible manner, and they are to be complimented on their approach. However, I am concerned to know, in cases where small operators are still in existence, what long-term controls will be put in place for protection of the environment.

The Bill should expedite prosecution processes and facilitate clean-up powers for the Environment Protection Authority. It also empowers the authority to respond rapidly to emergency situations. The government is to be complimented for including those provisions, which the Opposition fully supports. Similarly, the Opposition supports the strengthening of the powers of the courts in regard to compensation orders for environmental clean-up costs. However, the rights of all the people involved in the industry and environment protection will be retained by the provision that enables them to appeal to the Administrative Appeals Tribunal in cases where they disagree with a decision of the EPA. This provision safeguards those people involved in the industry.

The Bill seems to place the onus on the owner or occupier of land, regardless of whether that person causes the pollution. I ask the Minister also to comment on that aspect. If the land is polluted by an unknown person, who will be responsible for the costs when that pollution is discovered? The Bill as it now stands places the onus on the owner or occupier of the land. However, if the owner or occupier says he is not responsible for the pollution, who will be required to pay the cost of the clean-up operation? One must also consider the cost involved in that person undertaking a legal process in order to recoup any cost he may have incurred.

The provisions of the Bill dealing with costs and penalties will be very important for any operation or small business. The EPA ought to make it clear to all the operators and assist them in understanding that, if there is a problem and if a person denies responsibility for causing pollution, the case will be treated quickly and urgently and that a decision will be arrived at in the most economical way for that person.

Where the polluter cannot be found or a person denies responsibility for the pollution, who will be required to recompense the owner or occupier should it be proved that he is not responsible for it? That is an important area of the Bill which requires explanation from the Minister.

There seems to be a loophole in the Bill in reference to cases where land is sold and the new purchaser has a right under the Bill to issue a clean-up notice to the person who originally polluted it, so that the land is handed over to the purchaser in a satisfactory condition. The Opposition will propose amendments to correct the situation.

The Opposition is concerned about the situation where land is sold under an arrangement whereby the purchaser knows the land is polluted and where, at a later date, the purchaser of that land still has the right to force the original owner to clean up the land. The Opposition will move amendments to rectify that situation also, and I ask the Minister to state whether he will support the Opposition's amendments in this area.

Clauses should be added to the Bill specifying that details of the sale of polluted land and any pollution problems on the land should be made known to a purchaser so that he knows where he stands.

The Bill extends provisions relating to noise pollution, which provisions are fully supported by the Liberal Party. Through my work in local government, I found that noise pollution both from cars and the various types of motorbikes is of great concern to members of the community. The government is taking the next step in trying to overcome this problem by emphasising that the driver as well as the owner of the vehicle can be held responsible for the noise emitted from that vehicle.

Another area of the Bill about which I should like to comment concerns noise from parties. I hope, between here and another place, the Minister will comment on this area of the Bill. I am hoping that discretion will be used by both the Environment Protection Authority and the police in cases where arrangements have been made between neighbours and people in the surrounding area about party noise, and that the authority and the police do not automatically move in and issue on-the-spot fines.

I hope the Environment Protection Authority will consult with the Victorian Wastes Management Branch on the proposed guidelines concerning the implementation of the

bonding scheme and also on the regulations underpinning the scheme and that mutual consensus will be achieved in that area.

Specific consultation must occur with industry on the monetary range of bonds; the types of containers in which the lower and higher ends of the scale should generally be applied; and the general basis on which discretion will be exercised.

While industry recognises its obligation to assist in cleaning up past problems—sometimes caused by predecessors in business in less enlightened days—it points out that income to meet the cost of bonding can only be recouped from future customers. Industry believes that bondings should relate only to problems caused after the Bill comes into operation. In other words, industry believes the provisions should operate prospectively rather than retrospectively and I ask for the Minister's assurance on that point.

In terms of liquid waste and bulk waste movement, the customer must provide an analyst's certificate to the transporter who, in turn, must pass it on to the disposal site operator who also must undertake spot checks. A similar system, backed by regulation requirements and departmental spot checks, will need to be developed in full collaboration with the waste management industry with respect to solid wastes if the responsibility of the actual polluter is to be sheeted home and attempts to bypass proper safeguards discouraged by effective administration of the law. The Liberal Party supports the Bill and will be moving amendments in the Committee stage of the Bill.

**Mr McNAMARA (Benalla)**—The major provisions in the Bill enable the Environment Protection Authority to require financial assurances, through a bond for environmental clean-ups in works approvals, licences, pollution abatement notices and transport permits. It creates an offence, as mentioned by the honourable member for Ivanhoe, of aggravated pollution.

The offence of pollution involves intentionally or recklessly creating serious damage to the environment or to public health. The offence is indictable and triable summarily. The maximum penalties are 400 penalty units and/or 2 years' imprisonment if dealt with by a Magistrates Court and 5000 penalty units and/or 5 years' imprisonment if dealt with in a higher court.

The Bill ensures that the clean-up costs may be recovered by the occupier from the person who caused or permitted the pollution. The time limit for commencing prosecution for offences which, by their nature may not be detected for lengthy periods, extends to 3 years or longer at the Minister's consent. Perhaps the Minister might be able to detail instances in which he exercises that authority. If there were a serious health risk, it would come to the attention of the public well before the three-year period.

The Bill provides for courts making an order that a person found guilty of an offence under the Act is liable for the environmental clean-up costs, including estimated costs resulting from that offence. It also makes a number of other amendments that tidy up the current Environment Protection Act.

The National Party acknowledges that the Bill is strict in its provisions with penalties of up to \$500 000 and five years' imprisonment for some offences, but there is a growing awareness, particularly with chemicals and fluorocarbons, that some serious risk exists to the environment that needs to be tackled in a stringent and appropriate fashion.

Representations have been received from a number of industry groups and most areas of industry are aware of the need to ensure that the environment is not polluted. The recovery of clean-up costs from the original polluter should be modified so that subsequent purchasers who buy with notice of that existing pollution are more responsible. It would seem unfair, for example, that if an order is made by the Environment Protection Authority for something to be done in the area, and if a purchaser is aware of that order at the time, the previous owner should be liable for the costs.

The Minister would be aware that, under the Sale of Land Act, a vendor statement exists in which vendors are required to list any orders against the property. If such an order included a direction by the Environment Protection Authority or some other authority for the clean-up of some environmental hazard, it would be inappropriate in those circumstances for the new owner to be able to pass the buck to the previous owner; obviously he would have purchased the property knowing full well of the pitfalls and bought the land at a price that reflected that order on the property.

The National Party supports the Liberal Party's proposed amendment and does not oppose the Bill.

**Dr WELLS (Dromana)**—The Bill is a most important one. As stated by the lead speaker for the Liberal Party, it continues a series of Bills covering this area, introduced during the 50th Parliament.

At first I was concerned that the penalties appeared to be unreasonable, but when I noted that approximately 70 000 chemicals are produced by mankind today and are eventually deposited in the earth and oceans of the world as waste, I had to alter from that opinion.

The Bill makes it clear—and it is needed to be made clear—that the cost of industrial and commercial processes includes the cost of waste. Indeed, it is fair to say that the world is far more likely to be destroyed by waste in the future than by nuclear explosions. There are many illustrations for this point.

I shall mention one or two examples because the opportunity must be taken of making clear to members of our community the fact that Parliament acts in good faith. It is not trying to beat people over the head with a large mallet; there are horrifying illustrations in countries such as the United States of America of chemicals finding their way into underground water systems, causing profound and widespread trouble.

Chemical dumps of a magnitude not seen in this country occur in the United States of America and their cost is likely to continue for generations in terms of clean-up. The Swiss lakes, a generation later, are still being cleaned of pollution that occurred in previous times.

There are many illustrations—although I am not sure that the Bill addresses them—such as the disposition of waste in acid rain, which at this time is destroying mankind's heritage, and his accumulation of the most important buildings, monuments and other material structures built over the past 2000 years especially in Europe. They are literally being destroyed by chemical waste falling as acid rain. One hopes this will be covered in Victoria under the clear air provisions of Parliament.

Not long ago Australia—including Victoria—was guilty of disgorging waste into, for example, the oceans off our southern shore. Australia was disposing of drums of materials in that area only three or four years ago because we had not addressed ourselves to the real dangers involved. If one cuts through the ice in Antarctica one finds lead deposits right through until the cut-off point; that point chronologically is at a time when modern motor cars appeared on the earth's surface, and pollution spread because of the lead emitted from cars.

Everyone would be aware of the widespread damage that may result from damage to oil tankers. I am horrified to record that in the United Nations it took a combined effort by a number of countries in the past decade to dissuade modern man from depositing low-level radioactive waste in drums into the oceans of the world. That is a dishonest procedure. One could not begin to contend that the drums would contain the materials for a significant time in terms of man's presence on earth. It was a cheap, tardy and unacceptable way of proposing to be rid of some of man's wastes.

There are other illustrations on the Australian mainland such as Rum Jungle. Admittedly it is beyond Victoria's boundaries, but it is a powerful reminder that there is still a price