

Statutes Amendment (Environment Protection) Bill 2002

The South Australian Parliament passed the *Statutes Amendment (Environment Protection) Bill 2002* on 26 November 2002.

The amendments will increase the penalties for a range of environmental offences under the *Environment Protection Act 1993*. The highest penalty is the doubling of the maximum fine for intentionally or recklessly causing serious environmental harm to \$2 million for a body corporate.

The legislation also simplifies the level of knowledge required to be held by offenders. In contrast to the existing requirement that the polluter needs to know that the harm likely to be caused would be serious when proving the offence of intentionally or recklessly causing serious harm, under the amendments, the polluter must simply know that "*environmental harm will or might result*". The legislation establishes a corresponding amendment to the offence of intentionally or recklessly causing material environmental harm.

Under the legislation, in addition to any penalty awarded, offenders may be required to pay any benefits they have received from breaching the Act into the Environment Protection Fund.

The amendments also clarify the structure and functions of the Environment Protection Authority to provide appropriately for its independent function. The amendments establish that the Chief Executive of the Environment Protection Authority will also be the Chair of the Board of the Environment Protection Authority.

Native Vegetation (Miscellaneous) Amendments Bill 2002

The *Native Vegetation (Miscellaneous) Amendments Bill 2002* was also passed by South Australian Parliament in the final week of November.

In a news release issued on 29 November, the Hon. Mr John Hill MP, Minister for Environment and Conservation observed that the amendments to the Native Vegetation Act 1991 give South Australia the strongest native vegetation laws in the nation. He stated that the Act as amended will protect the native vegetation that was have and made the following specific observations:

"The amended Act also allows a person who applies to clear land to pay money into a Native Vegetation Fund to offset the environmental impact of their actions - this money will be used for native vegetation plantings in the same region.

"Another facet of the new legislation is that landholders who clear land without approval can be fined up to \$100,000 and required to restore or 'make good' the property.

"All applications to clear land will also be placed on a public register on a website so that members of the public can comment on them."

Guidebook to assist the environmental performance of Small Business released

The South Australian Environment Protection Authority, The City of Onkaparinga, Business SA, the Onkaparinga Catchment Water Management Board and WorkCover have cooperated in the development and publication of a guidebook entitled "Small Business Environmental Management Solutions" to assist small business in becoming more environmentally friendly.

The Minister for Environment and Conservation on 25 November 2002 stated:

"Small Business Environmental Management Solutions is designed to help businesses go through a five step process to develop their own Environmental Management System, ensuring they aren't at risk of harming the environment. The five steps are Commitment and Environmental Policy, Planning, Implementation and Operation, Checking and Corrective Action and Review and Continuous Improvement."

Free copies of Small Business Environmental Management Solutions and technical assistance on using the guide are available from the Aware Sustainable Industries Project Officer, Jodie Cameron on 8384 0667 or email jodcam@onkaparinga.sa.gov.au or from the EPA on 8204 2004 or via the web site www.environment.sa.gov.au/epa.