

South Australia and the Penola Pulp Mill

Rob Fowler

Introduction

Environmental impact assessment (EIA) in South Australia has had a long and difficult history. In a State where the pressure for economic development has been keenly felt due to the lack of a relatively substantial industrial or natural resources base compared to most other States, the capacity of EIA procedures to delay or stifle development proposals has been viewed with considerable concern, both by developers and State governments of differing political persuasions.

One reflection of this concern has been a willingness on the part of the State government to resort to special legislation to authorise projects independently of the standard land use planning, environmental protection and EIA procedures. This approach has been evidenced by:

- the Roxby Downs indenture legislation in the early 1980s;¹
- legislation to overcome a legal challenge to a major tourist project in Wilpena Pound in the Flinders Ranges in the late 1980s;²
- amendments more recently to long standing indenture legislation governing the Onesteel (formerly BHP) steel factory at Whyalla to exempt this operation from regulation by the Environment Protection Authority;³ and
- most recently, legislation to authorise the Penola pulp mill in the south-east of the State.⁴

There has also been a willingness to limit the involvement of both the community and the courts in the South Australian EIA procedures. This accords with an observed trend since the mid 1980s of limiting opportunities for 'third party' involvement in the operation of the general planning system.⁵ It is difficult to avoid the conclusion that EIA in South Australia has been largely

1 *Roxby Downs (Indenture Ratification) Act 1982 (SA).*

2 *Wilpena Station Tourist Facility Act 1990 (SA).*

3 *Broken Hill Proprietary Company's Steel Works Indenture (Environmental Authorisation) Amendment Act 2005 (SA).*

4 *Penola Pulp Mill Authorisation Act 2007 (SA).*

5 See Tim Bonyhady, *Places Worth Keeping: Conservationists, Politics and the Law*, Allen & Unwin, Sydney, 1993, pp 26-29.

This is a preview. Not all pages are shown.