

DEVELOPMENTS IN WESTERN AUSTRALIA

Legislative Review

The Minister for the Environment of the State of Western Australia has appointed an Independent Advisory Committee for the Review of the Environmental Protection Act chaired by John Ramsay, the secretary of the Tasmanian Department of Environment and Planning. The other two members of the Committee are Harold Clough, a leader in W.A. industry and Neil Blake, former W.A. Coordinator of the Australian Conservation Foundation. The review was launched with a seminar on the 23rd April 1992 at which the following papers were delivered:-

1. The Needs of Government - The Review Process by Hon. Bob Pearce, Minister for Environment;
2. The *Environmental Protection Act 1986* - Its Operation by Mr Barry Carbon, Chairman, Environmental Protection Authority;
3. The *Environmental Protection Act* - The Needs of the Mining Industry by Rex Baker, Chamber of Mines and Energy;
4. The *Environmental Protection Act* - The Needs of Industry by David Charles, Chamber of Commerce and Industry;
5. The *Environmental Protection Act* - The Needs of Land Developers by Mr Simon Holthouse, Urban Development Institute of Australia;
6. The EPA - The Needs of the Public by Associate Professor Peter Newman, Murdoch University;
7. The EPA - The Aspirations of the Conservative Movement by Ms Rachel Sieweit, Conservation Council;
8. What the Public Expects from the Environmental Protection Process by Dr Geoff Syme, CSIRO;

9. The Needs of the Natural Environment by Emeritus Prof Albert Main (former Chairman EPA);
10. The EPA and the Law by Greg McIntyre, solicitor, Corser & Corser; and
11. Environmental Legislation Lessons from Elsewhere by Prof Chris Wood, Manchester University.

Wildlife Conservation

The *Wildlife Conservation Amendment Bill* to ban recreational duck shooting has been reintroduced by the Government. It seeks to:-

1. Remove the discretion of the Minister to declare a duck shooting season;
2. Protect nature reserves from being declared game reserves; and
3. Protect native water birds from being declared game birds.

The Bill does not prevent applications for damage licences which had application to farmers suffering damage to dams or crops.

The Liberal Shadow Minister for the Environment, Phillip Pental, has introduced a further Bill to amend the *Wildlife Conservation Act* to empower the government to declare any exotic plant an environmental weed. Land owners would be compelled by the legislation to eradicate or control environmental weeds. This Bill is intended to control the spread of such weeds in nature reserves.

Case Notes

Carbon -v- State Energy Commission of W A (C.P.S., Perth 18.3.92) Bromfield SM convicted SECWA, fined it \$5,000.00 and awarded \$3,285.00 costs in a prosecution by the EPA for air pollution by releasing a stenching agent mercaptan into the atmosphere at Kwinana on 28 November 1990. SECWA has announced its intention to appeal.

Carbon -v- Airmark Refrigeration 9 C.P.S., Perth 13.2.92) A conviction was recorded and the Defendant fined \$1,000.00 and costs of \$356.00 were awarded in respect of a charge of pollution by an ozone depleting substance used in a refrigerator. The Defendant has announced an intention to appeal against the conviction.

Studies

1. A public environmental review has been conducted in relation to a plan by the Main Roads Department to re-align West Coast Highway in such a way as to impact upon 7 hectares of bold park bushland.
2. A public environmental review is under way under the Environmental Protection Act in relation to a contaminated industrial site at Claise Brook in East Perth.
3. The Williams Report into alleged breaches of fire regulations and logging specifications was released on the 6th March 1992. The report was commissioned by the State Environment Minister and investigated the procedures for timber removal from the south west forest by the Department for Conservation and Land Management.
4. An environmental review and management plan was prepared during May by Hamersley Iron Pty Ltd in relation to the Marandoo Iron Ore Mine.

Policy Changes

The Environmental Protection Authority have recently released the following environmental protection policies:-

1. The Gngangara Mound and Lakes Policy;
2. The Draft Policy for the Peel/Harvey Estuarine System;
3. Draft Policy for the Goldfields residential areas;
4. A revised Draft Policy for air pollution in the Kwinana region.

Greg McIntyre
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Perth

DEVELOPMENTS IN TASMANIA

The Government has now confirmed that it has abandoned the process leading to the drawing up of Tasmania's first piece of land degradation legislation. The Commonwealth Government has provided \$1/4M to assist Tasmania in drawing up what it was hoped would be model legislation. During the past 2 1/2 years an extensive process of public consultation had been put into place and proposed drafts of the legislation prepared. The Liberal Government, however, has decided to withdraw from the process whilst refusing to repay the Commonwealth grant and is instead supposedly concentrating on an educative approach with land holders. This is a real pity since the process of community consultation had, in fact, produced virtual agreement amongst all sections of society about the necessity for the introduction of such legislation and for the proposals contained therein. In other words, the process of community consultation and the drawing up of the legislation had in itself been the most effective means of education of local landowners. There has been no fresh movement on the proposed reforms to the *Local Government Act* and the *Environment Protection Act*. The Government has, however, now committed itself to maintaining the process of reform; however changes are to be expected to the original drafts prepared by the Labor government so that the end result is more in keeping with Liberal policy. One of the specific measures which has recently been announced is the preparation of "fast track" legislation to assist major projects. Such a proposal was thrown out by the Tasmanian Upper House, the Legislative Council, when it was introduced by the former Gray Liberal government and so it would be interesting to see what form this proposed legislation takes. On a personal level, I am pleased to record the publication of the third edition of *Bates Environmental Law in Australia*. The publishers, Butterworths, agreed to print the latest edition on 100 percent recycled paper, a first for them, and probably for a Law Book in Australia. If this is successful, they will be looking at converting all their other publications to recycled paper, which is good news for both the environment and the recycled paper industry.

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