

DEVELOPMENTS IN WESTERN AUSTRALIA

Environmental Protection Act Is Reviewed

Under s. 124 of the *Environmental Protection Act*, the Minister is required to carry out a review of the operation and effectiveness of the Act.

The Report of the Independent Advisory Committee, which stems from that review was released in October.

The Report makes 50 important recommendations, some of which include:

- the primacy of the Act and the assessment processes established should be retained
- the right of the public to participate in the processes established by the Act should be maintained
- an independent Environmental Protection Authority should continue to provide advice to government on the environmental impacts of proposals
- the retention of the current definition of "environment"
- the preparation and publication of a document which lists all those matters that the Environmental Protection Authority considers fall within the current definition of "environment"
- the creation of an offence of "causing or allowing the environment or a portion of the environment to be degraded" as proposed and defined in the *Environmental Protection Amendment Bill 1991*
- the involvement of local government authorities in the assessment processes
- the establishment of processes for the development and approval of statements of environmental policy
- the publication for the benefit of proponents, the public and others of the

guidelines the Environmental Protection Authority uses to decide whether a proposal constitutes a significant effect on the environment

- the establishment of a register of contaminated land which is publicly accessible
- the inclusion of provisions under the Act to compensate land owners who are unable to use their land as a result of the imposition of environmental restrictions.

Interestingly, the Independent Advisory Committee stated that the dual objective of environmental protection and economic development are not incompatible. The Committee concluded by stating "What is required is to ensure that the processes established by the 1986 Act, while achieving the general objective of environmental protection, are appropriately refined and administered to be as responsive as possible to the pursuit of economic development and that those processes do not establish any unreasonable restraints to the pursuit of that goal".