

QUEENSLAND

Still No Environmental Protection Policies

Although the *Environmental Protection Act* 1994 has been in force since December 1, 1994, essentially, it deals only with general concepts and procedures, so it is of some concern that no environmental protection policies (setting out the relevant technical standards) are in force. However, EPP's on air, water, noise and mining and petroleum have now undergone public submissions procedures. A draft EPP on waste management has yet to be released for public submissions. An interesting feature of the draft air and noise EPPs is the concept of environmental value protection agreements. These provisions would allow neighbouring land owners to agree to include their land within a notional buffer area, for the purpose of environmental standards, without the need for the holder of the environmental licence to purchase the buffer land.

Environmental Licensing

When the Coalition Government came to power in Queensland in February this year, it immediately introduced a moratorium on the enforcement of the requirement for environmental licensing. That moratorium expired on July 1, 1996. In the interim, a Ministerial Advisory Committee reviewed the *Environmental Protection (Interim) Regulation* and recommended various minor corrections and amendments, most of which were implemented on March 1 1996. The Minister has now appointed an Environmental Protection Council, comprising representatives of government authorities, peak industry groups and environmental groups. The new Council has broad terms of reference to advise the Minister on environmental policy, public participation issues and environmental legislative reforms.

Enforcement

In *Williams v Golden Circle Limited* (Magistrates Court Brisbane No 583 of 1996 22/5/96), the Golden Circle Cannery of Brisbane was the first company convicted under the *Environmental Protection Act*. Waste had entered a stormwater system, leading to Cannery Creek, and Golden Circle pleaded guilty to having placed a contaminant where environmental harm or environmental nuisance might be caused. The company was fined \$7,500 and ordered to pay costs of \$576. Maroochy Shire Council has also successfully prosecuted a motor mechanic for environmental harm caused when at least 90 litres of waste fuel were washed into a stormwater drain. The defendant was fined \$2,000 and also ordered to pay \$1,165 to the council to cover cleaning costs.

The Department of Environment recently issued a media release (August 29, 1996) claiming that local governments have been achieving success through the Environmental Protection Order procedure.

Waste Management

The Department of Environment has announced that several waste management initiatives are in the pipeline, including:

- * draft regulations under the *Environmental Protection Act* which make provision for a waste tracking system which traces waste from the point of origin to the point of disposal;
- * a local government waste management working group, established by the Department of Environment, with one of its priorities being to set up regional groups to develop waste management plans;
- * a waste mapping survey in conjunction with local government to provide data on sources and categories to help determine areas where waste facilities are most needed; and
- * an environmental franchise scheme for oil and tyres (Scheduled for introduction from January 1, 1997).

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VICTORIA

Environment Protection Authority's Corporate Plan 1996 - 1999

The EPA has released its Corporate Plan for the next three years. The 35 page document is designed to provide general organisational direction and sets long term goals for the Authority in 13 key areas of operation. The Plan lists 62 activities as priorities for 1996-97. Some of the more significant activities include the following:

- * Replacement of the *Environment Protection (Prescribed Waste) Regulations* 1987 and the *Environment Protection (Transport) Regulations* 1987;
- * Implementation of the financial assurance system for Schedule 5 premises (premises at which an activity is conducted which may cause an environmental hazard or require a clean-up) and completing the adoption of financial assurances by all Schedule 4 premises (premises which handle prescribed industrial waste);
- * Issuing 15 accredited licences;
- * Begin the upgrade of the air emissions inventory

for Melbourne, completion of the Air Monitoring Network Review and commencement of implementation;

- * Development of Best Practice Environmental Management Guidelines for fuel storage, dry cleaning and other priority industries;
- * Development of guidelines for the biological assessment of ecological impact of coastal outfall discharges;
- * Publishing a status report on water quality trends in the freshwater environment in Victoria; and
- * Release of a draft SEPP for land contaminated by industrial chemicals.

In addition 10 of the 62 activities are identified as "priority actions" which the EPA has stated it intends to deliver in 1996/97. These priority actions are:

- 1 Development of a management plan for the Port Phillip air shed;
- 2 Facilitation of a major strategy for the protection of Western Port including a review of the relevant State Environment Protection Policy (SEPP "Waters of Western Port");
- 3 Recommendation of new SEPPs for the Yarra, Port Phillip Bay and Central Gippsland catchments and a SEPP for groundwater;
- 4 Recommendation of amendments to Part IX of the *Environment Protection Act 1970* to give effect to the Victorian Government's policy to merge the Recycling and Resource Recovery Council with the Waste Management Council;
- 5 Implementation of a State Litter Reduction Strategy;
- 6 Review of the Industrial Waste Strategy (see also Victorian Recent Developments Section in AELN No. 2/1996);
- 7 Development of and support for the Cleaner Production Partnership program with industry;
- 8 Development of a community awareness communications strategy;
- 9 Assumption of EPA's new responsibilities for managing the *Pollution of Waters by Oil and Noxious Substances Act 1986* (see also Victorian Recent Developments Section in AELN No. 2/1996); and
- 10 Strong support for the activities of the NEPC.

Dangerous Goods

The existing definition of "dangerous goods" in the *Dangerous Goods Act 1986* has been replaced by the definition contained in the Australian Code for the Transport of Dangerous Goods by Road and Rail. Corresponding amendments have

been also made to the *Dangerous Goods (Liquified Gases Transfer) Regulations 1987*, the *Dangerous Goods (Storage and Handling) Regulations 1989* and the *Dangerous Goods (Transport) Regulations 1987*. The legislation is the first step towards adoption of the new Commonwealth dangerous goods transport regime. The *Road Transport (Dangerous Goods) Act 1995 (Vic)*, which adopts the *Road Transport Reform (Dangerous Goods) Act 1995 (Cth)*, is expected to come into force in November this year.

Draft hazardous substances regulations are due to be released for public comment early next year. The regulations will be based on the model regulations produced by Worksafe Australia. (Hazardous substances are substances that present a lower risk to humans and the environment than "dangerous goods" but still require some form of regulation). The draft regulations were due out in October this year however, with the transfer of both dangerous goods and hazardous substances regulation from the Health and Safety Organisation of the Department of Business and Employment to the Victorian WorkCover Authority, work on the draft regulations has been suspended until next year.

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WESTERN AUSTRALIA

The *Environmental Protection Act 1986 (WA)* ("EP Act") has recently been amended by the *Planning Legislation Amendment Act 1996*. Amendments to the *EP Act* had been foreshadowed for some time and were assented to on July 11, 1996.

Essentially, the amendments to the Act create a system whereby planning schemes and scheme amendments are assessed by the Environmental Protection Authority and any proposals under a scheme already assessed are not separately considered unless the Environmental Protection Authority did not, when it assessed the scheme to which the proposal relates, have sufficient scientific or technical information to enable it to assess the environmental issues raised by that proposal.

Amendments have also been introduced in relation to Environmental Protection Policies providing a mechanism for resolving inconsistencies between approved Environmental Protection Policies and schemes which have been through the environmental impact assessment process.

Amendments to other Western Australian planning