

The Environment Minister, Mrs Marie Than, has asked the ECC to identify options in Victoria's coastal waters for the development of at least one marine park (a protected sanctuary zone) and one aquaculture development site (for fish farming) by 30 November 1997. The form LCC spent five years developing recommendations for the use of Victoria's coastal waters but was abolished before its final recommendations were published. The ECC will be required to consider the investigations undertaken by its predecessor as well as the Federal Oceans Policy in drafting its reports.

One outstanding issue is the definition of "marine park". Some groups consider areas closed to commercial fishing to be marine parks while others characterise marine parks as being similar to national parks where anything that could disturb marine habitat, such as mining and recreational fishing, is prohibited.

State Environment Protection Policy for Groundwater

In October 1994, the Victorian EPA released a draft State Environment Protection Policy for Groundwater (SEPP). The revised draft, apparently incorporating substantial amendments to the original draft, is to be submitted to the Environment Minister together with a revised impact assessment shortly. The revised SEPP will not be released for public comment prior to its submission to the Minister.

The SEPP is intended to offer a single and consistent approach to groundwater protection, something that has been recognised as lacking in Victoria since the early 1990s. According to the 1994 draft SEPP, groundwater accounts for approximately 10% of Victoria's total water use. The major uses of groundwater in Victoria are irrigation and stock watering, although in Western Victoria, groundwater is used far more broadly. Major industrial uses for groundwater in Victoria include use in cooling towers of coal fired electricity generators in the Latrobe Valley.

Amongst other things, the SEPP allows the EPA to declare attenuation zones around some contaminant sources. Within these zones, the water quality objectives for the relevant segments are not required to be met. The draft SEPP specifies that the maximum extent of the zone is the legal boundary of the premises within which the activities are operating. Attenuation zones would only be allowed in specific instances where existing beneficial uses would not be affected. Before an attenuation zone is declared, the EPA must be satisfied that the waste can be attenuated completely within the boundaries of the site.

Another feature of the SEPP is the mechanism to declare groundwater protection zones for aquifers with special significance or vulnerability that require particular protection.

Air Quality Management Plan

The EPA has recently released a discussion paper as a starting point for the development of an *Air Quality Management Plan* for the Port Phillip region. The paper intends to encourage suggestions for improving air quality

in light of the air quality goals set by the state environment protection policies and the national standards contained in the national environment protection measure on air. The Plan will set out long term strategies and initiatives to guide government, business and the community to achieve those standards. It will also define the tools (such as sets of models) to assess the impact of proposals.

The Plan will be based on data comprised in the emissions inventory for the Port Phillip region. Compiling the inventory will involve extensive surveying of industry and the community. Investigations will cover point sources of emissions such as vehicles, small industrial and commercial sources, such as dry cleaners and petrol stations as well as domestic sources, such as paints, wood heating and lawn mowers. The inventory will also contribute to the *National Pollutant Inventory*.

Focuses of the discussion paper include how best to encourage the use of clean production by small and medium sized enterprises and how to achieve widespread change in household practices which contribute significantly to emissions. The paper also recognises that motor vehicles are the biggest contributor to air emissions that generate photochemical smog (such as particles and carbon monoxide).

Submissions for comments on the paper closed on September 26, but there will be further opportunities for involvement by all stakeholders.

Penny Creswell

Arthur Robinson & Hedderwicks (Victoria)

WESTERN AUSTRALIA

Environmental Objections in the Mining Warden's Court

The most significant legal development since the last report in June has been the decision of the Full Court of the Supreme Court of Western Australia in *Re Heaney; ex parte Serpentine-Jarrahdale Ratepayers' and Residents' Association (Inc)*¹ concerning environmental objections in the Mining Warden's Court. A case note on that decision by Michael Bennett is included in this issue of the AELN.

Draft State of the Environment Report for Western Australia

The draft State of the Environment Report for Western Australia was released by the Minister for the Environment in August. The draft Report has been prepared by the Department of Environment with the assistance of a Reference Group comprising senior officers from other State Government Departments such as the Water and Rivers Commission, and chairpersons of statutory and non-statutory advisory agencies such as the Lands and Forests Commission (statutory) the Blackwood Catchment Coordinating Group (non-statutory). The draft report is

available on the Internet @ <<http://www.environ.wa.gov.au/current/soe/soe.htm>>. It is open to public comment until 30 October. Comments may be send to:
The State of the Environment Reporting Unit
Department of Environmental Protection
141 St. George's Terrace
PERTH WA 6000 Email: <soe@environ.wa.gov.au>.

Proposals for Water Law Reform

In August the Water and Rivers Commission released the first two of a series of papers on the reform of water law in Western Australia: *A Context Paper for Western Australian Reform Proposals and Allocation and Transfer of Rights to Use Water: Proposal for Discussion*. The reform proposals are aimed at implementing the agenda on water law reform of the Council of Australian Governments which has been tied in with the National Competition Policy. A central feature of these reforms is the introduction of tradeable water entitlements. The Discussion Paper invites submissions by 31 October 1997, but this time has been extended until the end of November on the principles underpinning the legislation and until April next year on aspects of the planning processes and administrative procedures. Enquiries should be directed to Brigit Cosgrove, Water & Rivers Commission, PO Box 6740, Hay Street, EAST PERTH, WA 6892; Ph.(08) 9278 0300.

Natural Heritage Trust Partnership Agreement

The *Natural Heritage Trust Partnership Agreement* between the Commonwealth and Western Australia was signed on 29 July and came into effect upon signature. The Agreement sets out the roles and responsibilities of the Commonwealth and Western Australia for the delivery of the objectives of the Natural Heritage Trust established by the *Natural Heritage Trust of Australia Act 1997* (Cth) and associated programs. The Agreement is quite a substantial document, containing the main text of the Agreement and three attachments.

The text of the Agreement sets out the principles underlying the Natural Heritage Trust and a framework under which the State and the Commonwealth can agree upon the terms of Natural Heritage Trust programs and associated programs. Important clauses relate to the financial arrangements (clause 7), delivery arrangements (clause 9) and program management (clause 10). By these provisions,

- * Commonwealth funding is subject to the agreed objectives, outcomes and milestones described in Attachment A,
- * regional / catchment planning will generally form the framework for the integration of the delivery of programs at the community, regional, State and Commonwealth levels, and
- * program management will be determined on the advice of the regional assessment panels constituted in accordance with basic criteria, including a majority community membership.

Attachment A sets out the objectives and implementation arrangements for ten Commonwealth programs, each of which is related to relevant State programs. Attachment B sets out the standard terms and conditions of financial agreements between the Commonwealth and Western Australia for the purposes of financial assistance under the Partnership Agreement. Attachment C outlines Western Australian Government priorities and programs for natural resource and environmental management, including the *State Salinity Action Plan* approved by the State Government in November 1996.

The Agreement represents an interesting step along the road of federal co-operation in environmental management and deserves a more detailed analysis than can be presented here.

Alex Gardner
Law School, University of WA

QUEENSLAND

A new regulation is being prepared by the Department of Environment ("DOE") to replace the *Environmental Protection (Interim) Regulation 1995* which will expire on 1 March 1998. Public workshops have been held on the proposed changes.

Probably the most important function of the current regulation is to provide a schedule of Environmentally Relevant Activities ("ERAs"). These are the business activities which require licensing or approvals. A large proportion of the current ERAs are to be changed to clarify their intended meaning and to fine-tune the relevant fees.

Submissions close on 7 November 1997.

Proposed Repeal of Contaminated Land Act 1991

DOE has also prepared a draft *Environmental Protection Amendment Bill (No.2) 1997* to repeal the Contaminated Land Act 1991 and incorporate its provisions in the *Environmental Protection Act 1994*, but with substantial amendments.

DOE has consulted various "stakeholders" in the preparation of the draft Bill. The concept for the Bill has been "in the pipeline for well over a year, but it is understood that there is some prospect of the Bill being introduced to Parliament at its next sittings. Nevertheless, the Act is not expected to commence until at least mid 1998, to allow time for new database to be prepared.

Based on community concerns about the current legislation, the main reforms expected in the draft Bill are:

- * an attempt to reduce the market stigma associated with sites which have been used for prescribed purposes but which are not in fact hazardous to human health or the environment, by abolishing the current system of classification and replacing it with new registers using different nomenclature;