

# Principles of Environmental Protection



**Position Statement No. 7**

7



**August 2004**



**Environmental Protection Authority**

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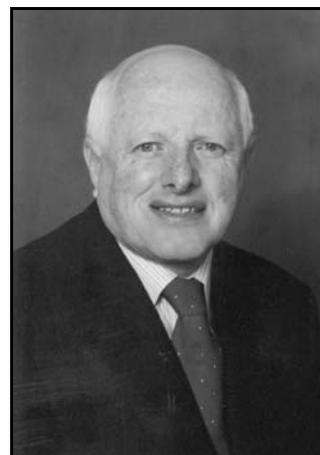
Environmental Protection Authority

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## FOREWORD

The Environmental Protection Authority (EPA) publishes Position Statements, from time to time, as a means of informing the public about the EPA's views on matters of environmental importance. They also provide a basis for the development of the associated series of statements entitled *Guidance for the Assessment of Environmental Factors*.

This Position Statement provides the public and other key stakeholders with a summary of the key relevant principles of environmental protection that the EPA considers to be important in guiding its decisions and advice to government on matters of environmental protection.



The principles outlined in this Position Statement include those in the Environmental Protection Act 1986; others have been compiled from international and national sources. Some of the principles include environmental, social and economic considerations, the Precautionary Principle, Intergenerational Equity, Conservation of Biological Diversity and Ecological Integrity.

Since its inception over thirty years ago, the Environmental Protection Authority has been guided by such principles and their underlying rationale. In fact, in its first Annual Report in 1972, the EPA said "We have, of course, the right to develop our resources for the good of this and future generations. But we also have the duty not to deplete or misuse these resources to the extent where those who come after us are deprived of adequate resources, or face a despoiled environment."

The EPA received a number of useful comments on the preliminary document and acknowledges with gratitude this assistance.

I commend this Position Statement for your reading.

A handwritten signature in black ink that reads "W. J. Cox". The signature is fluid and cursive.

**Dr Wally Cox**  
Chairman  
Environmental Protection Authority

2 August 2004

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# 1. INTRODUCTION

The clear articulation of the principles of environmental protection is a relatively recent international phenomenon in terms of public policy. Some argue that the signing into law of the US National Environmental Policy Act in 1970 was the defining moment. Others have argued that the United Nations Conference on Environment and Development in Stockholm in 1972 represented the first major global attention paid to a broad range of environmental issues.

Within the last 30 years there has been a growing international acceptance of the key principles of environmental protection. This acceptance has been reflected in their incorporation into international treaties, laws and regulations involving many nations.

In Australia this acceptance has been reflected in the *Intergovernmental Agreement on the Environment* (Commonwealth of Australia 1992), the *National Strategy for Ecologically Sustainable Development* (Commonwealth of Australia 1992), the *National Strategy for the Conservation of Australia's Biological Diversity* (Commonwealth of Australia 1996) and other national agreements, laws and regulations accepted at Commonwealth and State levels. There is also widespread community acceptance of these general principles of environmental protection.

In 2003 the Environmental Protection Act 1986 was amended to include the following principles:

“1. *The precautionary principle*

Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, decisions should be guided by –

- (a) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and
- (b) an assessment of the risk-weighted consequences of various options.

2. *The principle of intergenerational equity*

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

3. *The principle of the conservation of biological diversity and ecological integrity*

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4. *Principles relating to improved valuation, pricing and incentive mechanisms*

- (1) Environmental factors should be included in the valuation of assets and services.
- (2) The polluter pays principle – those who generate pollution and waste should bear the cost of containment, avoidance or abatement.

- (3) The users of goods and services should pay prices based on the full life cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any wastes.
- (4) Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, which enable those best placed to maximise benefits and/or minimise costs to develop their own solutions and responses to environmental problems.

#### 5. *The principle of waste minimisation*

All reasonable and practicable measures should be taken to minimise the generation of waste and its discharge into the environment.”

It is now the object of the Act to protect the environment of the State having regard to these principles.

As such, these principles form the core set for the Environmental Protection Authority (EPA). However, there are a number of supporting principles which also guide the EPA in carrying out its role and responsibilities.

### **Purpose**

The purpose of this Position Statement is to provide the community and other key stakeholders with a summary of the key relevant principles of environmental protection that the EPA considers to be important in guiding its decisions and advice to government on matters of environmental protection.

### **Boundaries**

The scope of the issues, matters and advice for which the EPA has responsibility is derived from the definition of ‘environment’, in Section 15 (Objectives), Section 16 (Functions) and Section 17 (Powers) of the *Environmental Protection Act 1986*. The EPA has normally chosen to interpret this scope in an operational sense to consider the full suite of physical and biological factors, social factors (pertaining to humans as individuals and in their social groupings) in so far as these are directly linked to the biophysical environment, and economic factors which are relevant to environmental protection and management.

### **Sources**

Many of the principles summarised in this document have their roots in documents prepared for the United Nations Conference on Human Environment, Stockholm 1972, the World Conservation Strategy in 1980, the Brundtland Report entitled ‘Our Common Future’ in 1987, and documents prepared for the United Nations Conference on Environment and Development held in Rio de Janeiro in 1992. They are based on sources such as the already referenced national agreements, operational principles used by the National Environment Protection Council and those collated and published by the Environment Protection Authority of Victoria (Environment Protection Authority of Victoria 2000).

## **2. PRINCIPLES**

The policies of the EPA are guided by the following principles of environmental protection, natural resource management and sustainability:

### ***A. Environmental, Social and Economic Considerations***

- (1) Sound environmental practices and procedures should be adopted by everyone as a basis for sustainability for the benefit of all human beings and the environment today, while considering the environmental, social and economic needs of future generations.
- (2) This requires the effective consideration of environmental, social and economic factors in government and other sectors' decision-making processes, with the objective of improving community well-being and the benefit to future generations.
- (3) The environmental practices and procedures adopted should be cost-effective and in proportion to the significance of the environmental risks and consequences being addressed.

### ***B. Precautionary Principle***

- (1) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- (2) Decision-making should be guided by:
  - (a) a careful evaluation to avoid serious or irreversible damage to the environment wherever possible; and
  - (b) an assessment of the risk-weighted consequences of the options.

### ***C. Intergenerational Equity***

- (1) The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.
- (2) This implies that the present generation has a stewardship role in the maintenance of natural capital and a responsibility to ensure its wise use.

### ***D. Conservation of Biological Diversity and Ecological Integrity***

- (1) Biological diversity (the variety of all life forms - the different plants, animals and microorganisms, the genes they contain, and the ecosystems of which they form a part) is considered at three levels:

- genetic diversity: the variety of genetic information contained in all of the individual plants, animals and microorganisms that inhabit the earth. Genetic diversity occurs within and between the populations of organisms that comprise individual species as well as among species;
  - species diversity: the variety of species on the earth;
  - ecosystem diversity: the variety of habitats, biotic communities and ecological processes.
- (2) The principles (adapted for use by the EPA in Western Australia from the *National Strategy for the Conservation of Australia's Biological Diversity* (Commonwealth of Australia 1996)):
- (a) Biological diversity is best conserved in-situ.
  - (b) Although all levels of government have clear responsibility, the cooperation of conservation groups, resource users, indigenous peoples, and the community in general is critical to the conservation of biological diversity.
  - (c) It is vital to anticipate, prevent and attack at source the causes of significant reduction or loss of biological diversity.
  - (d) Processes for and decisions about the allocation and use of Western Australia's resources should be efficient, equitable and transparent.
  - (e) Lack of full knowledge should not be an excuse for postponing action to conserve biological diversity.
  - (f) The conservation of Western Australia's biological diversity is affected by national and international activities and requires actions extending beyond Western Australia's jurisdiction.
  - (g) Western Australians operating beyond their State's jurisdiction should respect the principles of conservation and ecologically sustainable use of biological diversity and act in accordance with any relevant national or international laws.
  - (h) Central to the conservation of Western Australia's biological diversity is the establishment of a comprehensive, representative and adequate system of ecologically viable protected areas, integrated with the sympathetic management of all other areas, including agricultural and other resource production systems.
  - (i) The close, traditional association of Western Australia's indigenous peoples with components of biological diversity should be recognised, as should the desirability of sharing equitably the benefits arising from the innovative use of traditional knowledge of biological diversity.

### ***E. Improved Valuation, Pricing and Incentive Mechanisms***

- (1) Environmental factors should be included in the valuation of assets, goods and services.
- (2) The polluter pays: persons who generate pollution and waste should bear the cost of containment, avoidance or abatement.
- (3) Users of goods and services should pay prices based on the full life-cycle costs of providing goods and services ("cradle to grave" concept), including costs relating to the use of natural resources, the benefits of ecosystem services that natural resources provide and the ultimate disposal of any wastes.

- (4) Established environmental goals should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms, which enable persons best placed to maximise benefits or minimise costs to develop solutions and responses to environmental problems.

### ***F. Shared Responsibility***

- (1) Protection of the environment is a responsibility shared by all levels of Government, industry, business, communities and the people of Western Australia.
- (2) The decisions and actions of people in their daily lives, when multiplied at the community level, are responsible for many of our diffuse source environmental impacts. Consequently, positive changes in behaviour at the individual level can cumulatively improve the management of these impacts.

### ***G. Product Stewardship***

Producers and users of goods and services have a shared responsibility with Government to manage the environmental impacts throughout the life-cycle of the goods and services, including the ultimate disposal of any wastes.

### ***H. Eco-Efficiency***

Producers of goods and services should produce competitively priced goods and services that satisfy human needs and improve quality of life, while progressively reducing ecological degradation and resource intensity throughout the full life-cycle to a level consistent with the sustainability of biodiversity and ecological systems.

### ***I. Waste Hierarchy***

Wastes should be managed in accordance with the following order of preference:

1. avoidance;
2. reuse;
3. recycling;
4. recovery of energy;
5. treatment;
6. containment;
7. disposal.

### ***J. Integrated Environmental Management***

If approaches to managing impacts on one segment of the environment have potential impacts on another segment, the best overall environmental outcome should be sought at a local, landscape, catchment and/or regional level.

### ***K. Best Practice***

When designing policies, systems, procedures or technologies for environmental management, best practice measures available at the time should be applied (EPA 2003).

### ***L. Continuous Improvement***

The implementation by everyone of environmental practices should aim for continuous improvement in environmental performance. This requires that not only are relevant laws and requirements met but also environmental protection should extend beyond compliance.

### ***M. Accountability and Transparency***

- (1) The aspirations of the people of Western Australia for environmental quality should drive environmental management.
- (2) Members of the public should therefore be given:
  - (a) access to reliable and relevant information in appropriate forms to facilitate a good understanding of environmental issues; and
  - (b) opportunities to participate in policy and program development.
- (3) Environmental decisions should be made in a transparent manner and made public.

### ***N. Enforcement***

Enforcement of environmental requirements should be undertaken for the purposes of:

- (a) better protecting the environment and its economic and social uses;
- (b) ensuring that no commercial advantage is obtained by any person who fails to comply with environmental requirements; and
- (c) influencing the attitude and behaviour of persons whose actions may have adverse environmental impacts or who develop, invest in, purchase or use goods and services which may have adverse environmental impacts.

## **3. IMPLICATIONS**

Effective implementation of these principles requires the EPA, to the extent possible within its legal limitations and resources, to:

1. Encourage, promote and support activities that enhance understanding of environmental protection.
2. Provide information to the community that enables the community to make decisions and take actions that support environmental protection.

3. Foster an environmental ethic in the community.
4. Establish means by which local communities, stakeholders and the Western Australian community may address local environmental protection issues.
5. Establish a range of policies and environmental management instruments for environmental protection.
6. Promote protection of the environment at regional and neighbourhood levels by the best practicable measures that are consistent with the principles of environmental protection.
7. Integrate and coordinate environmental action by government, and encourage partnerships for environmental protection between government, industry and the community.
8. Focus environmental protection attention on the issues of highest priority, and encourage the use of the most effective and efficient environmental management instruments and measures to ensure equity and cost-effectiveness in policy implementation.
9. Support achievement of the objectives of other environmental policies, such as environment protection policies, and industrial waste management policies, and not adversely affect, or increase the risk of damage to, other elements of the environment.
10. Require the proponents of new or amended projects that generate wastes to address the waste hierarchy and eco-efficient practices and technologies with respect to activities or processes that generate emissions, with the principal aim of preventing the occurrence of emissions in the first place.
11. Require the proponents of new or amended projects that generate wastes to address the minimisation of emissions that cannot be prevented at each stage of a product's life-cycle, including its design and formulation, the selection and management of production processes, the selection and use of material and energy inputs to production, the useful life of the product, and the management and disposal of wastes.
12. Develop and implement policies to protect the environment to give effect to national and international agreements in accordance with Western Australian Government policy.
13. Ensure that policies to protect the environment are consistent with measures made by the National Environment Protection Council where appropriate.
14. Consider the maintenance or enhancement of the health, diversity and productivity of the environment for the benefit of future generations.
15. Generally, and to the extent reasonable, develop policies that can encompass the needs of other regulatory authorities.

## 4. ACKNOWLEDGEMENTS

The principles outlined in this document have been obtained from a range of sources, including publications of the Environment Protection Authority of Victoria, especially the Draft Variation to State Environmental Protection Policy (Air Quality Management).

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