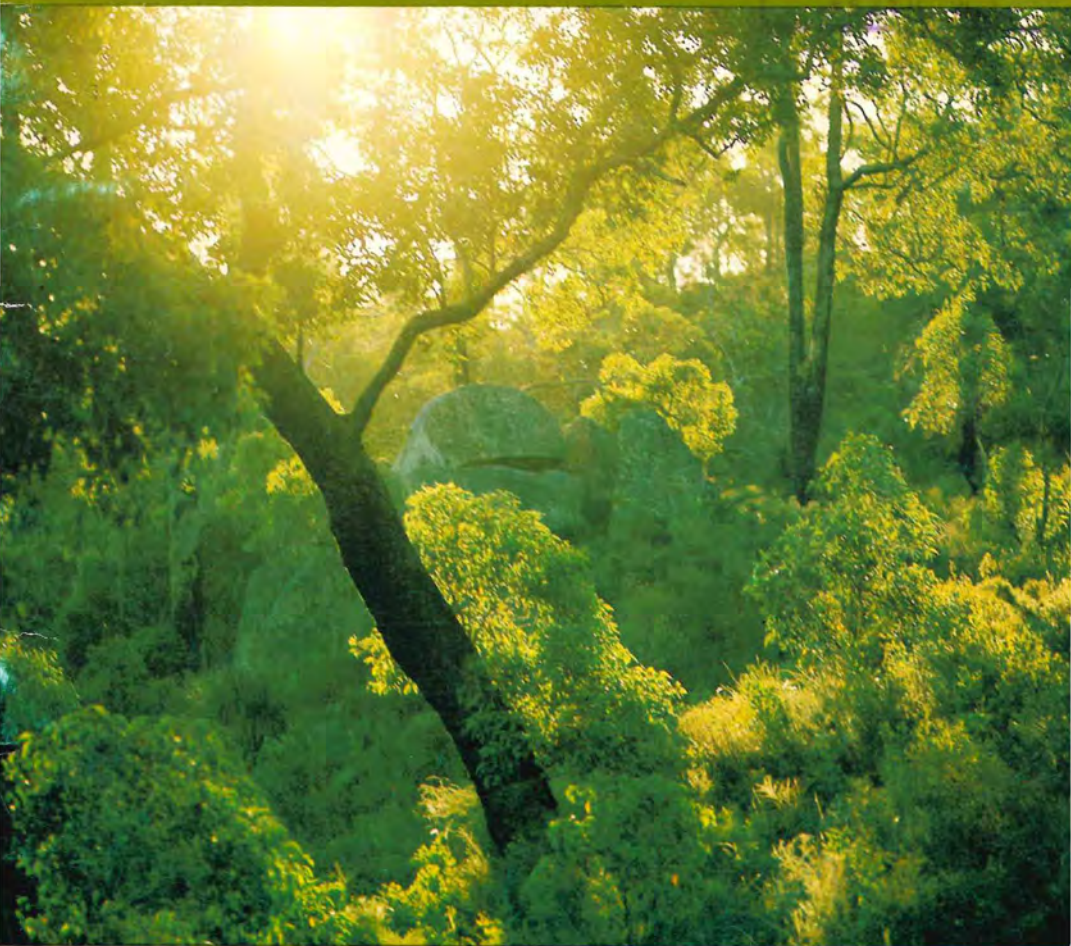




ENVIRONMENT WESTERN AUSTRALIA

The role of the
Environmental Protection Authority



BULLETIN NO. 46 DEPARTMENT OF
CONSERVATION AND ENVIRONMENT
WESTERN AUSTRALIA



INTRODUCTION

Concern for the environment is not new but the widespread nature of this concern certainly is. It was born of the industrial revolution, the population explosion, man's rapidly advancing technology and his quest for a higher standard of living.

Governments in virtually every developed country have accepted the obligation for environmental management. Each State in Australia, and the Commonwealth Government itself, has a minister responsible for the environment. Ten years ago there were none.

Environmental departments have grown in size and importance. In Britain, for example, the Department of Environment is the largest of all Government departments. In the United States the Environmental Protection Agency has a staff of 12,290 and a budget of \$6,000 million. It has been given considerable autonomy and is free from political interference.

Not all members of the community regard environmental agencies with pleasure. Many of those primarily concerned with industrial or mining developments regard them as obstructionist or as adding to project cost. Many others regard them as weak and powerless to defend the environment against the rapacious developer.

Hopefully most will regard them as an essential arm of government, assessing in an objective fashion the implications of proposed developments and attempting to marry the generally short-term goals of economic growth and job opportunities with the long-term needs of future generations.

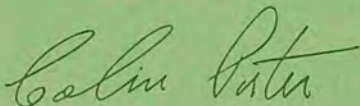
Western Australia has not felt the major impact of industrial pollution because of its low level of development. Perth does not suffer the photochemical smog levels of Sydney nor the water pollution problems of Melbourne.

We can avoid these problems if we are prepared and do not fall into the trap of thinking "it cannot happen here".

The emphasis in the West so far has been more on conservation and forward planning, particularly in respect to land use. This makes good sense in a State of 2,526,500 square kilometres and a population of only 1,200,000. Already a valuable network of national parks and nature reserves has been established right across the State.

This booklet sets out very briefly, for those unfamiliar with environmental management in Western Australia, the role of the Environmental Protection Authority and the supporting Department of Conservation and Environment. The policy of the EPA is one of maximum consultation with all sections of the community together with those overseas developers who wish to establish here.

The staff of the Department of Conservation and Environment are here to give a service to the public. Please do not hesitate to contact them if you require further information or need help with a particular environmental problem.



Colin Porter
Chairman
Environmental Protection Authority
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PERTH 6000

EARLY ENVIRONMENTAL MANAGEMENT

Environmental management, on an ad hoc basis, had been with us for a long time before the introduction of the Environmental Protection Act in 1971.

The early settlers arriving from the United Kingdom brought an awareness of the effects of environmental degradation brought about largely by the concentration of people in cities. The settlement of Western Australia coincided with the first comprehensive pollution control legislation in England.

Kings Park, a remarkable early venture in conservation, had its beginning when the first Land Act Regulations in 1872 saw to it that bushland within walking distance of the heart of Perth was set aside for a public park and recreation.

Various Acts were introduced over the years to safeguard the purity of water supplies, prevent and reduce air pollution, protect native animals and flora and control noise.

Committees advised on native fauna and flora reserves and land which should be set aside as national parks.

ENVIRONMENTAL LEGISLATION

The first legislation recognising the need for overall environmental control was introduced in the Western Australian Parliament in 1970.

It was, in part, recognition of a general deterioration of the world environmental situation and in part local concern over the apparent threat to flora, fauna and scenic areas from indiscriminate pegging of national parks during the mining boom of the 1960's.

However the Physical Environment Protection Act (1970) was never proclaimed. It was replaced after a change of Government by new legislation.

Today environmental management in Western Australia is carried out under the provisions of the Environmental Protection Act 1971 – 75.

The simple objectives of the Act are:

- to enhance the quality of the environment;
- to control and, if practicable, prevent any act or omission which causes pollution.

The Act defines the environment as "the physical factors prevailing in the State, including the land, and the coastal waters, sea-bed and subsoil adjacent thereto, water, atmosphere, sound, odours, tastes and radiation, the social factor of aesthetics and all factors affecting animal and plant life".

The Environmental Protection Act takes precedence over all other Acts where provisions conflict except those ratifying agreements to which the State is a party.

This exemption applies to early agreements made between the State and major industries such as those at Kwinana. All recent agreements of this nature contain clauses requiring environmental assessment of the proposal.

The Act, including amendments made in May 1975, provides for the establishment of an Environmental Protection Authority, a Conservation and Environment Council, a Department of Conservation and Environment and the appointment of an Environmental Appeal Board if necessary.

ENVIRONMENTAL PROTECTION AUTHORITY

The Environmental Protection Authority is a three-man statutory authority. The Director of Conservation and Environment is Chairman. The other two members, one of whom must have environmental knowledge or experience, are appointed by the Governor for fixed terms which may be renewed on expiry.



The present members are:

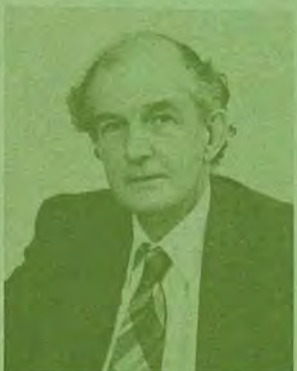
Mr. Colin Porter, Director of Conservation and Environment (Chairman).

A science graduate from the London University, Mr. Porter practised as an hydraulic engineer and was in charge of water pollution control on the River Thames in the 1960's. He came to Australia in 1969 to develop the research programme for Sydney's Botany Bay Port project. In 1972 he became the first Director of Operations for the Victorian EPA. In 1976 he joined the W.A. Department of Conservation and Environment as Assistant Director and was appointed Director, and Chairman of the EPA, in March 1978.



Mr. P. R. Adams O.C. (Deputy Chairman).

A barrister of wide-ranging experience, Mr. Adams has served the State in many fields. He took part in the planning of Murdoch University, of which he is a former Pro-Chancellor and is a present Member of the Senate. He has been chairman of a number of Government inquiries including the State Mining Act Inquiry 1970 which recommended that conservation needs be incorporated in future mining legislation.



Professor A. R. Main.

A noted scientist and Fulbright scholar, Professor Main is Professor of Zoology at the University of W.A. He has been a member of the W.A. Wildlife Authority since its inception and was a member of the Australian Universities Commission. He is also a member of the W.A. Zoological Board and is a fellow of a number of Australian and American scientific societies.



The EPA's functions are:

- to consider and initiate the means of enhancing environmental quality and of preventing, controlling, abating or mitigating pollution;
- to investigate environmental problems;
- to obtain the advice of people with special knowledge, experience or responsibility in environmental management;
- to review the progress made in achieving the objects and purposes of the Act;
- to administer and give effect to the provisions of the Act and carry out other functions as prescribed.

Under the Act, the EPA may:

- establish committees under the chairmanship of a member of the Authority or of the Conservation and Environment Council;
- empower a committee to investigate and report on any aspect of its functions, to implement any decision or to carry out any administrative duty;
- invite any person, subject to the Minister's approval, to advise it on any aspect of its functions;
- with the approval of the Governor publish model by-laws for adoption by local authorities or other authorised bodies;
- with the approval of the Governor make regulations in accordance with gazetted proposals;
- advise the Minister on any proposals or questions referred to it with regard to environmental matters;
- consider and make proposals as to the policy to be followed in the State with regard to environmental matters;
- co-ordinate all activities, governmental or otherwise, to protect, restore or improve the environment;
- conduct and promote relevant research;
- establish and develop criteria for the assessment of the extent of environmental change or pollution;
- specify standards and criteria and the methods of sampling and testing to be used for any purpose;
- undertake investigations, inspections and prosecutions;
- publish reports and provide information to increase public awareness of the problems and remedies in relation to environmental pollution;
- promote, encourage and co-ordinate and carry out planning and projects in environmental management.

The EPA has the power to bring down environmental policies for the whole or parts of the State and set standards for air, water and land use pollution.

If need be it can temporarily halt mining, town planning and land use development schemes by calling for a report from the appropriate Minister. The Minister must not take further action on the matter until he has received the report and recommendations of the EPA.

Another section of the Act calls on Ministers to report any proposed development, project or industry that might have a detrimental effect on the environment to the EPA for its advice. It is under this section that the Authority frequently calls for the preparation of an Environmental Review and Management Programme (E R M P).

Any person or body may also refer any matter concerning pollution to the EPA for its possible report and recommendations to the Minister under whose administration it comes.

The EPA may direct other Government authorities controlling waste discharge to take required action or, if the discharge is not subject to statutory permit, take direct action itself. There are provisions in the Act for fines for breaches with additional penalties for each day the breach continues.

Despite its powers the EPA has not, as yet, been a strictly regulatory body. It has rather sought the co-operation of the community. It has also been mindful that the needs of the present generation have to be recognised as well as the requirement in the long term to safeguard the environment for future generations.

In the transition from ad hoc to co-ordinated management of developments in Western Australia the EPA has emphasised that environmental implications must be considered routinely, in the same way as economic and engineering feasibility.

The EPA meets on average every second week to consider an agenda drawn up by the Department of Conservation and Environment.

Usually the matters that come before it have been investigated beforehand, either routinely or by the direction of the EPA. Departmental officers or outside experts brief the EPA on development or policy proposals.

Major recommendations by the EPA go directly to the Minister for Conservation and the Environment for submission to Cabinet and are normally tabled in Parliament. In certain cases the EPA is also empowered to publish its recommendations whether or not they are accepted.

In some cases the EPA refers particular issues for the advice of the Conservation and Environment Council.

Using its powers to co-opt expert advice the EPA has established two major committees to report to it directly. The first of these was the Conservation Through Reserves Committee appointed to investigate land that should be set aside throughout the State for national parks and nature reserves.

This Committee has now been replaced by a Parks and Reserves Committee charged with carrying out EPA recommendations accepted by the Government.

Another committee appointed by the EPA is the Estuarine and Marine Advisory Committee, which has a continuing role advising on existing and proposed developments in this field.



A meeting of the Conservation and Environment Council. From left to right: Mr. B.M. Rogers, Mrs. L. de la Hunty, Mr. R.N. Hiller (deputy for Dr. D.I. Carr), Mr. F. Malone (observer), Mr. B.K. Bowen, Mr. J.F. Morgan (Deputy Chairman), Mr. C.F. Porter (Chairman), Dr. M. Liveris, Mr. J.L. Bannister, Mr. B.J. Beggs and Mr. I.H. Carne (deputy for Mr. L.C. Brodie-Hall)

CONSERVATION AND ENVIRONMENT COUNCIL

The Conservation and Environment Council is a 16-man advisory body. The Director of Conservation and Environment is also Chairman of the Council.

The other 15 members, appointed by the Governor, include eight representatives of State Government departments.

Those presently appointed are:

- Surveyor General (Deputy Chairman)
- Commissioner for Public Health
- Under Secretary for Mines
- Director of Fisheries and Wildlife
- Town Planning Commissioner
- Director of Engineering, Public Works Department
- Conservator of Forests
- Director of Agriculture

Other individual members represent:

- Local government authorities
- Primary industry
- Secondary industry
- Mining and allied processing interests
- Tertiary education

Two members represent individuals and bodies having a special interest in conservation or environmental protection.

The Council's functions are:

- to assist and advise the EPA in making proposals as to State environmental policy;
- to recommend to the EPA on control of waste discharge, particularly with regard to the co-ordination of activities of Government bodies concerned with control, and selection of surveys and investigations to be undertaken;
- to investigate and report on matters referred by the Minister or the EPA;
- to advise the EPA on pertinent matters whether referred to it for advice or not.

The Council plays an important role in co-ordinating the EPA's activities with those of other Government departments. It also provides a forum for the exchange of ideas.

The Council meets routinely every three months but is also called for special sessions when circumstances dictate.

A Committee for the Understanding of the Environment (CUE) has been appointed by the Council to assist the EPA in creating an informed awareness of environmental issues.

CUE is an independent body of private citizens. It is not bound to support Government or EPA policies but rather to present both sides of topical and pertinent issues in Western Australia.

ENVIRONMENTAL APPEAL BOARD

An Environmental Appeal Board may be constituted to hear and determine appeals against EPA proposals for environmental protection policy. The Board, appointed by the Governor, consists of a President, who must be a legal practitioner of not less than seven years' standing, and two other members. No appeal lies against a policy proposal submitted to the Governor following a public inquiry.

DEPARTMENT OF CONSERVATION AND ENVIRONMENT

The Department of Conservation and Environment is a department of the State Public Service with the Director of Conservation and Environment as its Permanent Head.

Its officers are appointed to provide administrative, scientific, technical and other services for the EPA. They undertake studies, analysis and research.

The five main branches of the department include Administration, Evaluation, Planning and Research, Special Services and Information but there is a close liaison and dovetailing in their functions.

EVALUATION

The Evaluation Branch investigates problems resulting from existing developments and proposals for new developments.

It assesses the environmental implications of proposals, co-ordinates Government department assessments and prepares management plans for areas of environmental concern.

Proposals investigated include town planning, roads and freeways, urban and rural subdivision, wetland developments, proposed reserves, mining and industrial projects. The Branch is also involved in waste management and control, and recycling and litter control.

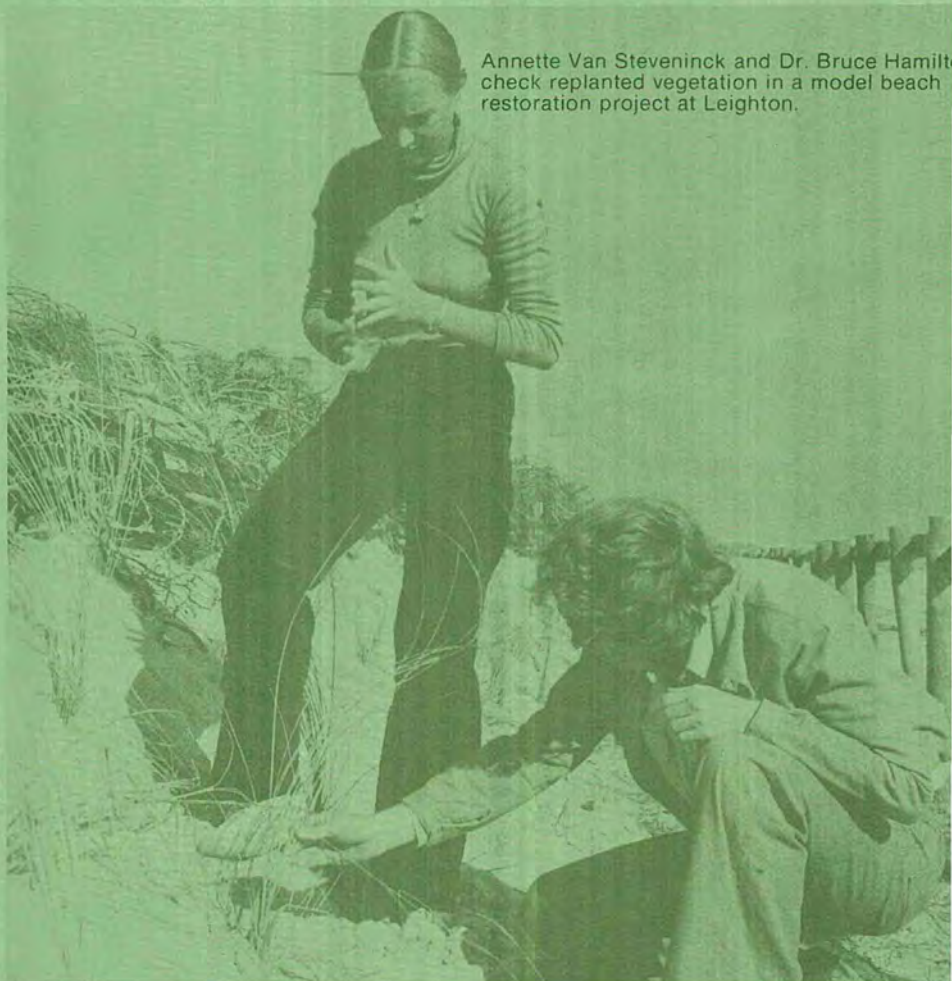
PLANNING AND RESEARCH

The Planning and Research Branch anticipates development, helps formulate environmental protection policy guidelines and recommends and controls relevant research programmes.

At present the branch is examining policy guidelines for coastal management and undertaking research into the environmental effects of development in marine waters including offshore oil exploration. It is providing an overview on various pollution control measures including air pollution prediction and the control of environmentally hazardous chemicals.

It is engaged in forward planning in liaison with the statutory planning agencies particularly in relation to assessment of quality of life, planning of regional open space and coastal and marine reserves.

Other areas of interest include research into air pollution prediction and monitoring and sponsorship of research into the environmental effects of water resource development (including baseline studies of groundwater areas) and water pollution.



Annette Van Steveninck and Dr. Bruce Hamilton check replanted vegetation in a model beach restoration project at Leighton.

SPECIAL SERVICES

The Special Services Branch has been established to co-ordinate environmental research aspects of development in the South West and to analyse proposed and existing large-scale projects as a basis for prediction of likely effects.

The branch is deeply involved in the complex study of national parks and nature reserves in System 6, the Perth hinterland in which three-quarters of the state's population live. It is also concerned with research into the effects of the bauxite and woodchipping industries.

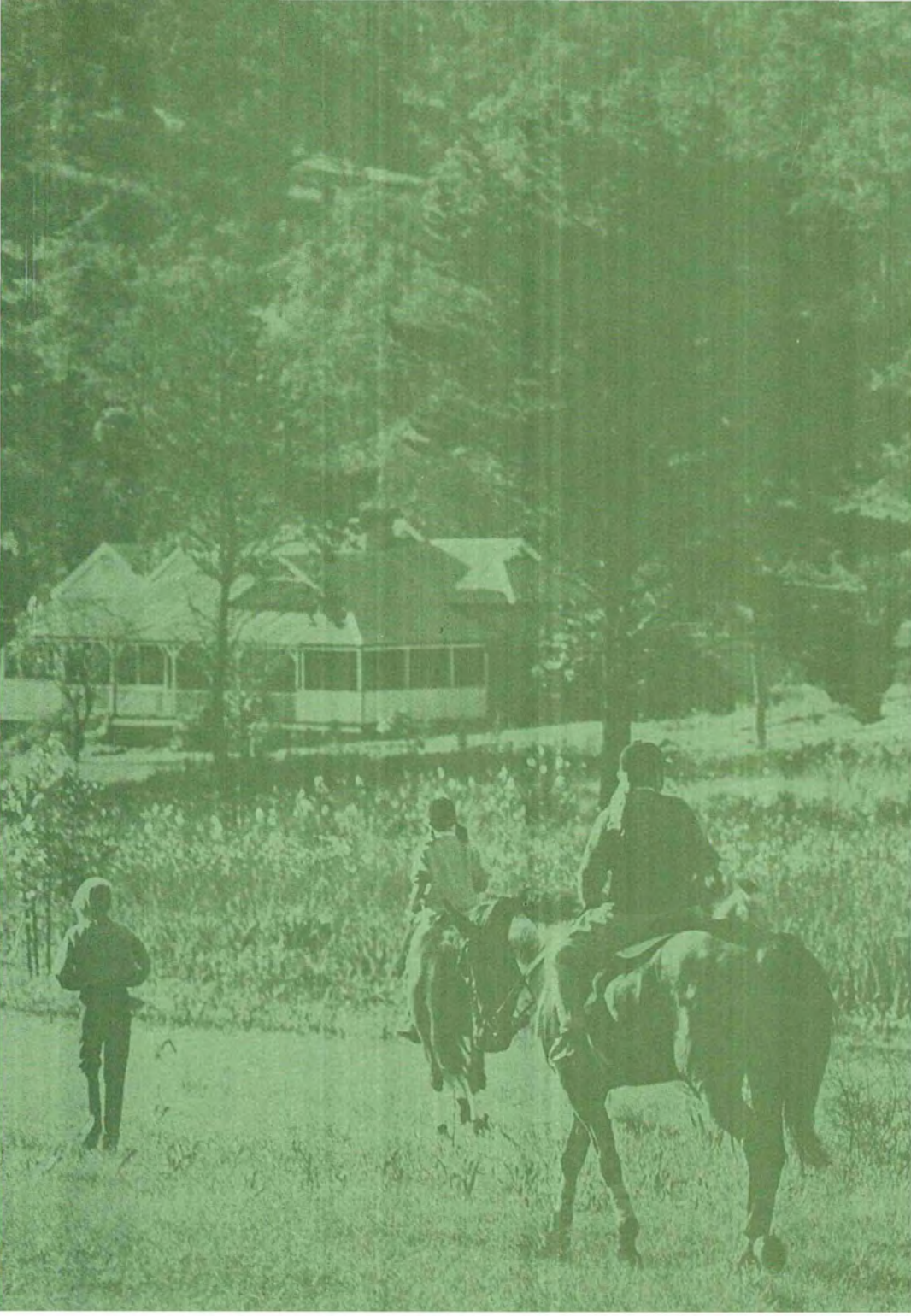
INFORMATION

The Information Branch provides public access to EPA, Departmental and other environmental reports. A reading room is open to the public during office hours on weekdays.

Information pamphlets and school project material are available and films produced by the Department may be borrowed. Individual help is given with research projects.

Vince Paparo and Ralph Martin visit an air monitoring site at Wilbinga, north of Perth. The acoustic sounder, built by the WAIT Physics Department, determines temperature structure in the atmosphere.





Officers from the various branches represent the Department on State and interstate working groups and policy advisory bodies. The Director of Conservation and Environment is also a member of the Metropolitan Region Planning Authority, the Planning and Co-ordinating Authority, the Water Resources Council and the Noise and Vibration Control Council within Western Australia and is a Member of the Standing Committee of the Australian Environment Council.

YOU AND THE EPA

The EPA serves all Western Australians and particularly those concerned with the environment.

Section 57 of the Environmental Protection Act 1971-75 states:

Subsection (2): Any person or body may refer in writing to the Authority any matter which gives rise to concern as a possible cause of pollution.

Subsection (3): Where any matter is referred to the Authority under Subsection (2) of this section the Authority shall consider the matter and may report and make recommendations thereon to any Minister of the Crown to whose administration the matter relates.

Complaints made to the EPA may be investigated and dealt with by the Department. Where major issues are involved the EPA will make its own recommendations.

In many instances complaints should first be directed to bodies with direct statutory authority in a number of fields.

Air pollution is a common complaint. In the case of incinerators, backyard fires, etc. your local authority can help. The Public Health Department controls pollution from industry through the Clean Air Act.

In the case of water pollution the Public Works Department controls pollution of inland water through regulations made under the Rights in Water and Irrigation Act while the Fremantle Port Authority is concerned with oil slicks and other harbour contamination within its area. The Waterways Commission is concerned with estuarine pollution in the Swan and Canning Rivers and the Peel and Leschenault estuaries.

Flora and fauna protection comes under the jurisdiction of the Department of Fisheries and Wildlife. Police also have the power to act in certain circumstances.

For noise pollution your local authority should be notified if the noise comes from domestic premises and the Public Health Department Division of Occupational Health if business or industry is responsible.

The EPA believes that an informed public awareness is essential to environmental management. It makes its deliberations on controversial issues public. Books, reports and films are available for loan. Personal help is given with research projects. Speakers are available to talk to school, community and other groups by prior arrangement.

In planning the environmental future of the State the EPA wants the opinion and advice of all Western Australians on major issues.

In studies such as Conservation Through Reserves and the West Coast Highway, final recommendations were only made by the EPA after comment had been received from the general public. This was fostered by the preparation and publication of draft proposals, public meetings, etc.

In the long term, effective environmental management involves a change in social attitudes resulting from better awareness. School is the obvious place to begin and the Education Department in Western Australia was the first in Australia to issue a policy statement on environmental education in schools.

It must also begin at home where there is room to question the values of an affluent, throw-away society profligate in its use of limited energy and material resource.

Personal choice can influence the acceptance of new criteria for housing, transport and preservation of the natural environment. Already there is an instance of public concern following water restrictions and the realisation of the problem of limited water supplies.

Individual action is a start. Action by groups sharing a mutual concern based on an informed awareness is the next step.

General awareness and the acceptance of the need for new values will create the climate of public opinion where the effects on the environment will be considered not as an afterthought but as a major factor in everything that we, as a community, do.

