

COMMENTARY

Whether the new system will work effectively seems to depend on the quality of the appointments to the two key bodies - the Land Use Review Panel and the Sustainable Development Advisory Council - together with the amount of control which the Minister attempts to exercise over the whole process. The package of legislation introduces almost four dozen major powers or responsibilities which are vested in the Minister to direct and control the processes under the legislation.

It will also be interesting to see how the relationship between the professional planners in the Department of Environment and Land Management and the Review Panel and the Advisory Council develops, given that those bodies are comprised of a large number of representatives who have no planning or resource management experience.

The model developed for Tasmania is new to Australia and very much reflects the current Liberal Government's intent to involve private sector interests in all aspects of Government. But extensive provision for public participation written into the package should help to lessen the possibilities for manipulation and patronage which have been the principal fear of critics of the "ministerial model" which has been created.

**THE WELLINGTON PARK ACT 1993**

The Government's commitment to public consultation prior to the approval of development projects has been seriously questioned following the release of a private enterprise proposal to construct a cable car up the slopes of Mount Wellington. The proposal would include a convention centre, restaurant and artificial ski slope on top of the mountain. It was publicly released with an endorsement from the Minister for Tourism appearing in the brochure seeking investment for the proposal. The Government has since passed legislation through the Parliament establishing a Committee to manage Mount Wellington as a Reserve but also giving Government control over the planning process for the cable car proposal- **Wellington Park Act 1993**. This means that a public process is about to be undertaken for a proposal which has already been publicly

supported by the Government, with ultimate approval to be granted by the Minister for Environment and Land Management. In other words the Minister is charged with making an objective assessment of a proposal, based on public consultation, which the Tourism Minister and the Government appear to support. Even if approval is granted, however, the proposal requires \$30 million investment in order to be economically viable.

**Gerry Bates**  
**Green Independant**  
**Parliament of Tasmania**

**WESTERN AUSTRALIA**

**LOCAL GOVERNMENT AND ENVIRONMENTAL MANAGEMENT**

In March 1992, the Council of Local Government Ministers released a report entitled "The Role of Local Government in Environmental Management" which commented as follows:

Councils regulate and control the development of private land, they carry out works, provide facilities and services; all of which have some impact upon the environment. In recent years, Local Government has been developing a range of environmental functions that have significantly enhanced its role in environmental management. Over three quarters of Australia's 914 councils are now directly involved in some form of environmental program. The extent and coverage of these programs is diverse and there are many exciting and innovative examples of Local Government's involvement in environmental management.

The Report recommended that the role of Local Government in environmental management be enhanced by:

- the reform of relationships between the three spheres of government in line with a set of principles that allows each sphere to participate as equal partners in the development and implementation of environmental policy; and
- the adoption by Local Government of an integrated strategic approach to environmental management.

Considerable work needs to be done to flesh out these broad recommendations with practical detail

on the role of Local Government in environmental management.

In May 1992 the Western Australian Government signed an agreement with the Western Australian Municipal Association (on behalf of all Western Australian Local Governments) titled the "Better Government Agreement". The Agreement promised a review of the relations between the State Government and Local Governments for the purposes of defining a more appropriate division of responsibilities and roles, improving financial arrangements and delivery of services, and eliminating unnecessary duplication and inefficiency between the two spheres of government. The review was undertaken with a view to achieving reforms by August 1994.

A section of the agreement dealt specifically with environmental management. It acknowledges that Local Government already has responsibility for control of local noise pollution and states that consideration should be given to extending to it responsibility for air and water pollution control. The Agreement also promised that the review would examine the potential for Local Government to be involved in managing other areas of environmental regulation such as water resources and river systems, agriculture protection, conservation of state forests and reserves and local heritage. Clearly the review has the potential to impact greatly on the responsibilities of Local Government for environmental management.

Although there was a change of State Government earlier this year, the promised review is still proceeding. It seems quite possible, therefore, that Local Government may acquire responsibility for numerous areas of environmental management in addition to its established responsibilities for waste management and land use planning.

The enhanced role of Local Government underlines the need for a greater understanding of its powers and responsibilities. The National Environmental Law Association (WA Division) ("NELA") enhanced this greater understanding by hosting a seminar on "Local Government and Environmental Management" on Monday 27 September 1993. The seminar had four sessions:

- The Institutional Structure of Environmental Management in WA,

- Local Government Involvement in Environmental Impact Assessment and Pollution Control.
- Management of Waste and Contaminated Land, and
- Local Government and Climate Change

It is hoped that the December issue of AELN will include some of the papers presented at the seminar. Enquires concerning seminar proceedings may be directed to:

**Alex Gardner: President, NELA (WA)**  
**Law School, The University of**  
**Western Australia**  
**NEDLANDS 6009**  
**PH: 380 2483**

### **ENVIRONMENTAL PROTECTION AMENDMENT BILL 1993**

A Bill to amend the **Environmental Protection Act 1986** was introduced into State Parliament in August. The Bill seeks changes to the manner of appointment and functioning of the five person Authority.

Main features of the Bill:

- The appointment of the current members is terminated by commencement of the Act.
- Section 7(2) which combined the positions of Chairman and Chief Executive Officer has been repealed.
- The Authority will consist of five people "appointed by the Governor on the recommendation of the Minister on account of their interest in, and experience of, matters affecting the environment generally".
- a call for expressions of interest in appointment to the office of Authority member will be published in a state wide daily newspaper.
- The duties of the Chairman will continue on a full-time basis, other members will be either full or part-time on the recommendation of the Minister in the case of the member.
- Each Authority member will be required to cast a deliberative vote on any question which has to be decided.
- The minutes of the Authority meetings will be "available for public inspection under such conditions and at such places and times are prescribed".