

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**ISSUES RAISED
AT
THE 1996 NATIONAL CONFERENCE
OF
AUSTRALIAN PARLIAMENTARY ENVIRONMENT
COMMITTEES**

**REPORT NO.17
OF THE
STANDING COMMITTEE ON PLANNING AND ENVIRONMENT**

SEPTEMBER 1996

**Resolution of appointment [by the Legislative Assembly]
of the Standing Committee on Planning and Environment:**

[that] a Standing Committee on Planning and Environment [be established] to examine matters related to planning, land management, transport, commercial development, industrial and residential development, infrastructure and capital works, science and technology, the environment, conservation, heritage, energy and resources...

[And that the committee] inquire into and report on matters referred to [it] by the Assembly or matters that are considered by the committee to be of concern to the community.

Minutes of Proceedings (Third Assembly) No.1 - 9 March 1995,
amended 22 June 1995

Committee Membership

Mr Michael Moore MLA (Chair)
Mr Trevor Kaine MLA (Deputy Chair)
Ms Lucy Horodny MLA
Ms Roberta McRae OAM, MLA

Secretary: Mr Rod Power
Assistance: Ms Anne Munns

TABLE OF CONTENTS

<i>Introduction</i>	1
<i>Conference Program</i>	1
<i>Part I: National and International Environment Issues</i>	2
<i>Mrs Hughes, Parliamentary Commissioner for the Environment in New Zealand</i>	2
<i>Dr Baker, A. C. T. Commissioner for the Environment</i>	5
<i>Dr Bridgewater, Chief Executive Officer, Australian Nature Conservation Agency</i>	7
<i>Mr Barry Carbon, Executive Director of the Commonwealth Environment Protection [CEPA] and Supervising Scientist of the Alligator Rivers Region</i>	9
<i>Part II: Five environmental issues in the A. C. T.</i>	10
‘Sustainability’: <i>Mr Reynolds, Chief Engineer of the ACT Electricity and Water Corporation</i>	10
<i>Endangered species: Dr Shorthouse, Manager, Wildlife Research Uni’</i>	12
<i>Stormwater planning: Mr Lawrence, Principal Planner, Environmental Planning, in the Department of Urban Services</i>	13
<i>Asbestos contamination: Mr Bateson, Manager of the Contaminated Sites Unit in the Department of Urban Services</i>	15
<i>Legislation to control smoking in public places: Ms Goodin, Senior Policy Officer at the Department of Health and Community Care</i>	15
<i>Part III: Activity of Parliamentary Environment Committees</i>	16
<i>House of Representatives Standing Committee on the Environment, Recreation and the Arts</i>	16
<i>New South Wales Standing Committee on Public Works</i>	17
<i>Victorian Environment and Natural Resources Committee</i>	20
<i>South Australian Environment, Resources and Development Committee</i>	21
<i>Northern Territory Sessional Committee on the Environment</i>	25
<i>A. C. T. ‘s Standing Committee on Planning and Environment</i>	26
<i>New Zealand Planning and Development Committee</i>	27
<i>Part IV: Next conference</i>	30
<i>Part V: Conclusion</i>	30

Introduction

1. On 6-7 August 1996 the Standing Committee on Planning and Environment, on behalf of the A.C.T. Legislative Assembly, hosted the 1996 National Conference of Parliamentary Environment Committees. The Conference was held in the Chamber of the Assembly. Information about the organisation of the Conference, and of an associated Conference of Parliamentary Public Works Committees, is contained in Report No. 15 of the Planning and Environment Committee entitled *The 1996 National Conferences of Australian Parliamentary Public Works Committees and Environment Committees* (September 1996).

2. A full *Transcript of Proceedings* was made of both Conferences. With the agreement of delegates, the Transcript was authorised for publication.

3. The Conference was the second time that Australian parliamentary Environment Committees came together to discuss their common interests. The Inaugural Conference of parliamentary environment Committees took place in Melbourne on 31 July 1995. Delegates to that Conference decided to meet in the following year at a venue to be arranged. The Standing Committee on Planning and Environment offered to host the 1996 Conference and, with the agreement of other parliamentary committees, commenced planning for the occasion.

4. The national Conference demonstrates the degree of interest in environmental affairs among Australasian parliamentarians. Delegates to the Conference are keenly aware of their responsibility to scrutinise measures to protect and enhance the environment.

5. Parliaments can assign this responsibility to a specific environment committee, or to a select committee examining a specific proposal, or to a committee that has the function of scrutinising environment matters among other responsibilities. The A.C.T. has chosen the latter path. The Standing Committee on Planning and Environment is responsible for examining public works, planning, the environment, heritage and other matters. In an Assembly of only 17 members in total, this seems the sensible approach.

Conference Program

6. The Conference Program was split into four parts. The first part looked at national and international environmental issues, with the following speakers:

- the New Zealand Parliamentary Commissioner for the Environment, Mrs Helen Hughes;
- Dr Joe Baker, Commissioner for the Environment in the A.C.T.
- Dr Peter Bridgewater, Chief Executive Officer of the Australian Nature Conservation Agency; and

- Mr Barry Carbon, Executive Director of the Commonwealth Environment Protection Agency.

7. The Planning and Environment Committee thanks each of these prominent persons for finding the time to address the Conference.

8. The second part of the Conference outlined five recent and topical environmental cases in the A.C.T. Interestingly, most of the cases involved some element of inquiry by an Assembly committee. The speakers were officers of the A.C.T. Administration or A.C.T. Electricity and Water Corporation [ACTEW]. Again, the Committee thanks the Government, and these officials, for their contribution to the Conference.

9. The main points made by each of the above speakers are summarised in dot form in this report. Quotations are taken from the *Transcript of Proceedings* of the Conference (available from the Committee Office of the A.C.T. Legislative Assembly).

10. The third part of the Conference provided an opportunity for each committee to update its activities in the past year. This section of the Conference enabled delegates to compare their experiences and to share information about the conduct, and nature, of committee inquiries.

11. The fourth part of the Conference involved an inspection of sites of environmental interest in the Territory.

Part I: National and International Environment Issues

Mrs Hughes, Parliamentary Commissioner for the Environment in New Zealand

- the Commissioner is one of three officers of Parliament (the Ombudsman, the Auditor-General and the Parliamentary Commissioner). The Commissioner is appointed for five years
- the Commissioner reports to the Speaker of the House through the Officers of Parliament Committee, which has representation from both Government and Opposition. The Committee has recently approved a protocol for interaction of the Commissioner with select committees and members of Parliament
- functions include reviewing the government system (including legislation), scrutinising the performance of public authorities and investigation complaints by the public
- the Commissioner has discretion to investigate a matter “but if the House or any select committee asks us to do something I have no discretion at all and we have to jump to attention and carry out an investigation. I do sometimes negotiate if I think I have not got any money”

- the Commissioner has “a statutory right to information. There have been a number of occasions when we could not successfully have carried out an investigation unless I had that right”
- the Commissioner has no regulatory teeth: “I cannot change a decision made by public authority; I cannot intervene in a statutory planning process. My only weapon is that I embarrass by publishing my findings. That is a very powerful weapon”
- “the Government constrains me by the budget. I run a very small office. I have a revenue of \$1.4m, eight investigating staff (a mix of scientists and resource management graduates), one lawyer, and a corporate services staff of four”
- “many transgressions in environmental management are not deliberate but simply an oversight where somebody has not been carrying out a particular duty with due care”
- the Commissioner regularly reviews how local government is implementing the *Resource Management Act*, which “brought 56 resource management statutes together... Unfortunately, we put it in place without any standards, without any thought about training, and it is going to take a while before everybody can be up to speed with it. I think you are talking about 10 years before anyone can be really confident that it is working. By commencing regular reviews of local government, we hope to identify good practice, to bring some consistency into the system throughout New Zealand, and to improve present practice. We have been financed to do three local government reviews, which means looking at something like 10 councils in any one year”
- “national issue” investigations arise out “fragmentation of responsibility, either between two arms of central government or between central government and local government, and the whole system seems to grind to a horrible mess and there is a cry for help”
- “As to complaint investigations, I finally persuaded the Officers of Parliament Committee that I am unable to carry out the ombudsman role; I simply cannot do it; I have not got the resources. I said to them, “I am only going to do five [complaint investigations]. With the remaining 55 to 60, say, we will identify whether the complaint is genuine and we will pass it over to a public authority and hope they will do something about it”. Outcome evaluations are revisiting something we have done before and investigating in depth, and we have done two or three of those. Submissions to select committees in the past have not been very many; I expect that to increase. That is basically the 1996-97 program”
- “The local government investigation takes about six months. With the cooperation of local government, we take somebody from a local government council with us on site visits. We go and see what a local

government council is doing. It might be a consent application process; at the moment we are looking at compliance monitoring; we have looked at coastal management. The team goes in, sits in the council and goes through the files; and we have found it extremely useful to take a member of another council with us, who is there to assist and make sure that we understand the local government procedures”

- This is “how I decide what we investigate. We look at the environmental significance of the issue and we look at adequacy of management of the public authority. The sorts of environmental problems we experience will be all the ones you experience, and they are due to a variety of things: system failure, inadequate legislation, poor management, lack of political will, fragmented responsibilities, lack of resources, very often a lack of full information, no long-term vision, nobody carrying out strategic planning, lack of monitoring systems, lack of enforcement. Maybe each and every one of those is contributing to a problem”
- “On the issue of inadequate legislation, one of the very first investigations we carried out was an application to introduce your marron, the freshwater crayfish, to New Zealand. After past experiences with some animals going slightly awry in New Zealand, there was some concern that maybe we should not let these crayfish in. We had a look at what was something like the 1908 *Animals Act*, under which the Minister of Agriculture could deny importation on disease grounds but on nothing else. As a result of our investigation and recommendations, the *Animals Act* was amended and introduced an ecological reason for denying importation. That, through the years, has become our *Biosecurity Act*. We have actually seen what I call the system shift, and when you see the system shift from the work that your office has done, I would have to say that it is a very rewarding experience”
- “The benefits of having an office like mine are that it is a source of information to MPs, it is an avenue for the public, it is inexpensive and it is an independent check on government. It is a forum for politically embarrassing issues, and I have been rather surprised that Ministers are sometimes very pleased to hive off to the Parliamentary Commissioner something that is politically embarrassing. The proposal to introduce myxomatosis in 1988 was one such problem. It does assist with improving environmental administration and, above all, it keeps the system honest”
- the Commissioner is constrained: “I cannot intervene in the statutory process. I have a discretion, so the public does not like it when I do not investigate one of their complaints. I can only persuade people to improve what they are doing. There is no requirement for public authorities to respond, and I am deeply envious of [the A.C.T.’s Commissioner for the Environment] having the Government respond to his recommendations”
- “The effectiveness of the office is absolutely dependent on us being credible. That means making sure that our reports are scientifically

reviewed, stand up to scrutiny. We measure the effectiveness by seeing whether our advice is taken and, to a certain extent, the demand for our services. It does not always work. We produced a report on energy efficiency [which] the Minister [rejected]”

- a symposium on the role of environment commissioners will be held in New Zealand on 28 February-1 March 1997.

12. Mrs Hughes was asked by a delegate whether she had sought any further statutory or regulatory powers for her position. Mrs Hughes stated that the most useful additional power for the position of Parliamentary Environment Commissioner would be legislation requiring a public authority to respond to the Commissioner’s recommendations.

13. Another delegate asked Mrs Hughes about the influence exerted by sophisticated pressure groups upon the decisions of the Parliamentary Commissioner. She noted that environmental groups usually possessed greater resources than she has. She added: ‘The environmental movement tends to be at one end of the spectrum. I am in the middle, and people look to me for an independent report. If they have a message that is real, I will listen and I will act on it, but I do not bow to the environmental lobby.’

14. Mrs Hughes was asked a further question about the capacity of the Parliamentary Commissioner to achieve amendments to legislation governing her operations. She noted that the office of Parliamentary Commissioner was established by the *Environment Act 1986* which was Government-derived. The Officers of Parliament Committee wants stand-alone legislation for each officer of Parliament, which would permit the Speaker to sponsor legislative amendments.

Dr Baker, A. C. T. Commissioner for the Environment

- “if we genuinely aspire to the concept and practice of ecologically sustainable development, state of environment reports must be as useful and as attractive to decision-makers and to developers as they are to conservationists”
- environment reports “have little likelihood of a long lifespan unless they are an integral part of management planning and practices”
- environment reports should include “recommendations to which the Government must respond, and the agency responsible for reporting must be able to monitor the actions by government relevant to those responses”
- “the fundamental challenge... is to ensure that, nationally, data that have been accumulated for different purposes are now made available at little cost or no cost for state of environment reporting for the benefit of the nation”
- “State of environment reports for the A.C.T. must include an assessment of the quality of the environment, including reference to its impact on flora

and fauna; evaluate the accuracy or appropriateness of existing practices and procedures that are directed towards achieving prescribed environmental standards; include an assessment of ambient air and water quality, noise, hazardous waste, soil, site contamination and the impact of waste; and include an assessment of the effectiveness of any pollution control measures, planning and development control, national standards, and the feasibility of any goals and other environment management practices that have been accepted by the Executive”

- the Minister may refer matters to the A.C.T. Commissioner by instrument, and the Commissioner can determine other factors that should be included
- each report by the Commissioner can include comment on how the Government is doing in following up on what has been said in earlier reports
- “the critical factor with state of environment reporting is how you reliably evaluate the environment and whether it is changing”
- “The OECD countries have what they call the ‘pressure state response’. When we looked at it from a logical viewpoint, it seemed to us that, first of all, you had to look at the environment and ask what sort of condition it is in, and then what sort of pressures humans are putting on it that are making it change. We adopted the word “condition” rather than “state”, and we looked at the condition, the pressures, and we were particularly interested in the responses ... from individuals, groups, industry and business or the Government. Those responses are to the pressures that are making it change and whether we are willing to change our practices so that we can modify any adverse impact on the environment. That is what we call the ‘condition pressure response’ model, and a critical aspect for its success is that you have reliable indicators of change”
- a special committee has been established, at the national level, to look at indicators
- “In the meantime, we have adopted indicators to identify the condition, the pressure and the responses, and those indicators have to have certain characteristics. They have to be able to be measured accurately; they must be sensitive and unambiguous, capable of being measured regularly to provide statistically verifiable data; and capable of showing trends over time, preferably at different sites or locations. Preferably, they should be able to be combined with other indicators to produce general information about environmental conditions and trends and be able to produce data that can be used alone or in combination with other sets. Finally, of course, they must be available at reasonable cost”
- “we use expert reference groups to help us look at the atmosphere, the water, the land, the plants and animals, and then look at the particular

environments that humans have modified..., so we do report on the urban environment and also on the rural environment”

- “We are looking at an ecosystem and we want to be able to say whether it is bad or medium, okay or good. Similarly, we want to look at human system conditions, because if you try to produce a state of environment report that ignores the human it is bound to fail. If something in the human system is good but is bad for the ecosystem, that is going to be ecologically unstable; whereas on the other side, if it is good for the ecosystem but bad with respect to what humans have to do, it is not going to be acceptable socially. You have a complex mix of socially unstable situations and ecologically unstable situations. With an educated community - and education is a key to the future - we hope to lead progressively to that type of ecologically sustainable system”
- the A.C.T. Government has combined with the adjoining 17 local government authorities around the Territory to examine regional state of the environment reporting (note that the A.C.T. is about 1/300th of the area of New South Wales and about 1/3000th of the area of Australia). There are only four major bioregions in this area
- “We believe that the A.C.T. is part of an ecological continuum and that the political boundaries are rather artificial. We are hoping that this regional concept is something that can be taken up nationally, taking into account also the environmental regions that have been determined”
- “Analysis of the requirements of the New South Wales *Local Government Association Act* and the *Commissioner for the Environment Act* of the A.C.T. 1993 shows that we can be compatible, and it is very realistic that we can produce a regional state of the environment report provided that does not cost too much”

Dr Bridgewater, Chief Executive Officer, Australian Nature Conservation Agency

- nature conservation conventions have flowed from a number of processes especially the first UN Conference on the Environment (Stockholm, 1972), and the 1992 Rio de Janeiro conference. The latter adopted two particular conventions, since endorsed by most countries in the world: the Convention on Biological Diversity and the Framework Convention on Climate Change
- the Biological Diversity Convention is an ‘umbrella’ convention in that it covers a very wide spread of activities, all to do with the conservation, management and sustainable use of the world’s biological diversity. It covers some of what is included in earlier conventions
- the International Union for the Conservation of Nature [IUCN], now sometimes called the World Conservation Union (1949) develops some

nature conservation conventions. UCN has about 70 member countries and nearly 500 non-government members

- international conventions can be grouped into a series of families. UNESCO has stewardship of some conventions, whereas the United Nations Environment Program [UNEP] has stewardship of some others
- The Ramsar Convention on wetlands comes under the UNESCO family. UNESCO also has some programs which are not conventions in the strict sense but which involve arrangements between countries, eg, the International Oceanographic Commission, the International Hydrological Program (dealing with fresh waters) and the Man in the Biosphere program (dealing with biosphere reserves like the Bookmark Biosphere Reserve in SA and the Fitzgerald River National Park Biosphere Reserve in WA)
- UNEP conventions include the Convention on Migratory Species (or Bonn convention), the Convention on International Trade in Endangered Species [CITES], the Convention on Biological Diversity [CBD], a convention on desertification (in preparation) and the climate change convention. Another set of conventions includes the International Convention on the Regulation of Whaling (involving the International Whaling Commission)
- the Food and Agriculture Organisation [FAO] sponsors another series of marine arrangements, eg the Highly Migratory Fish Stocks Agreement [1995, dealing very much with the southern oceans], the China-Australia Migratory Bird Agreement, and the Japan-Australia Migratory Bird Agreement
- the Australian Government is the signatory to international conventions but cannot give effect to those conventions unless States and Territories cooperate: either by legislation (eg, the *Whale Protection Act* gives effect to Australia's obligation under the International Whaling Commission, and the *Wildlife Protection Act* gives effect to Australia's responsibilities under CITES) or straightforward cooperative effort (eg, Ramsar, the Convention on Migratory Species, and the various migratory bird agreements)
- the Convention on Biological Diversity has no domestic legislation backing it, neither at this stage does the Framework Convention on Climate Change
- it is probably best to use national strategies such as the National Strategy for Biological Diversity and the National Strategy for Endangered Species, which already exist and to which all of our legislatures have signed up. These sorts of frameworks are best for implementing activities such as bioregional planning - which is critical for this country - and sustainable land use.

15. Dr Bridgewater was asked by a delegate about the manner in which Australia's compliance with international conventions is monitored. He noted that Australia is required to put in a report every time there is a meeting of the conference of parties. He added that the Convention on Biological Diversity

requires five-yearly reporting, with the first report due in 1998; and that the nature of these reports is now being examined by various technical bodies.

Mr Barry Carbon, Executive Director of the Commonwealth Environment Protection [CEPA] and Supervising Scientist of the Alligator Rivers Region

- CEPA attempts to encourage consensus among the States and Territories, eg through the Australian and New Zealand Environment and Conservation Council [ANZECC] and the newly formed National Environment Protection Council (consisting of Ministers from each State and Territory, to decide on what national environment protection measures will become law across Australia - for water, noise, air, car emissions et cetera
- the consensus is sought where it is not appropriate to apply a single law across Australia - such as litter control, the wastes that come from ships, hazardous waste
- decisions of the National Environment Protection Council will become law just by a vote consisting of two-thirds of Ministers across Australia and will become law in all States and Territories and the Commonwealth [WA is expected to join in the near future]
- the national environment protection measures can be a goal or a standard or a protocol or they can be guidelines
- management of resources in Australia is a State and Territory responsibility, not a Commonwealth responsibility for example, all pollution control activities happen at State or Territory level
- CEPA is aware that private companies, as well as governments, are taking up best practice in resource, environment, safety and productivity matters. CEPA tries to jointly cooperate with private companies in this endeavour, especially by documenting what is happening and spreading the message to others This is more important these days than developing new regulations
- CEPA handles some straight Commonwealth functions, eg looking at a second major airport for Sydney at either Badgerys Creek or Holsworthy
- further, CEPA looks after the international obligations placed upon Australia, eg the import and export of hazardous materials (under the Convention on Hazardous Waste regulation). “The philosophical approach we take to international representation is that we focus on either the things that are important to Australia or the things that Australia can offer to others. The international events in the environmental areas probably occur at about one per day, that sort of figure. It would not be possible for a country the size of Australia, nor would it be profitable for us, to be involved in all of them, so we concentrate on those things where either we can make a contribution or where we desperately need the rest of the world. For example, we have some work in Indonesia helping them with waste management. Right across Australia - this is not just the Commonwealth,

this is collectively with all the States and Territories - we have been helping people to do environmental impact assessments so that they get both development and environment protection. Australia does that probably better than anywhere else; Australia has just been given an international award by the International Association for Impact Assessment for helping others to do that.”

- Australia is extremely active in encouraging the rest of the world to control ozone-depleting substances
- Australia, on a per capita basis, is a very heavy user of chemicals, mainly in farming areas. Almost all of the chemicals are imported, which “means we have to be very active in things like PICs [‘prior informed consent’] and POPs, the control of ‘persistent organic pollutants’. We are now in the process of doing negotiations so that we can continue to have access to chemicals that we need not only for agriculture but for things like termite control.”

16. Mr Carbon was asked by a delegate whether the Commonwealth Government would legislate to place its agencies and activities under the environment laws of the State in which the agency or activity takes place. Mr Carbon noted that States have moved faster than the Commonwealth to establish environment protection rules applying to all agencies and firms. He noted that the National Environment Protection Council hopes to establish a set of harmonised rules to apply equally across Australia

17. Another delegate asked Mr Carbon whether it was feasible to expect that legislatures would permit a two-thirds vote of Ministers to be the basis of changing environment legislation - especially given that some Australian parliaments have an upper House not controlled by the Government or a Government existing with the support of independents. Mr Carbon noted that enabling legislation had already passed in all States, except WA, and in the Territories - with the Commonwealth soon to follow. The legislation permits the Commonwealth, and only the Commonwealth Parliament, to disallow a decision made by two-thirds of the Ministers.

Part II: Five environmental issues in the A. C. T.

18. This section sets out the principal points made by speakers addressing some environmental issues in the A.C.T.

‘Sustainability’: Mr Reynolds, Chief Engineer of the ACT Electricity and Water Corporation

- Australia is the driest inhabited continent in the world and the United Nations is already saying, “We are 10 to 20 years short of open armed conflict on water”
- the traditional engineering view has focussed on infrastructure, but “it is time to move away from traditional large-scale engineering and pipe

solutions.” These systems mean that the present transportation mechanism has to be augmented if one part of it is expanded

- the true cost of water is very important when considering sustainability. For a long time most people just thought about the cost per kilolitre at the top end. ACTEW and the Commonwealth are trying to determine the environmental costs of water, with results possibly available in early 1997. “As for extraction fees and understanding the long-term marginal cost, when you start looking at Australian water prices they are very much behind what the price of water is overseas”
- another dam in the ACT, due about 2005, would cost each resident another \$200. Following community consultation, ACTEW developed programs that have achieved over 25 per cent per capita reductions, and issues like user pays have been fairly easy to deal with. “In terms of deferral of capital works, its net present worth to us conservatively is \$10m each year, so each year we have an annual return of around 40 :1, and, depending upon the number of years, that can be extrapolated rather nicely”
- existing assets are utilised to their capacity for only a few hours a day, and for only a few days a year. “Those transport mechanisms, the pumping stations and pipes, for example, represent 75 to 80 per cent of total capital costs. Look at these asset utilisation practices: 45 per cent for energy in a pretty good system. It is less than 40 per cent generally in the case of water and sewage”
- ACTEW has built a neighbourhood sewage treatment processes at Southwell Park, which is operating successfully to treat sewage and produce grey water (though only 50 or 60 metres away from suburban housing). The solids are put back into the pipe because we have a pre-existing system
- the next type of neighbourhood sewage treatment plant is CRANOS, which has only an 80 square metre footprint (much smaller than a house) and is a totally sealed process (producing no odours). It has won the National Engineering Excellence Award for innovation
- ACTEW has built some resource efficient homes to demonstrate how energy efficiency can be in-built. The homes do not require artificial heating
- ACTEW is considering potentially time-of-use metering in order to reduce the need for new feeders into a suburb
- ACTEW has developed the Xeriscape gardens at Weston to show how garden water can be saved; it includes a new composting toilet
- ACTEW is experimenting with a domestic sewage arrangement in 12 homes in Canberra, in which the sewage is not connected to traditional sewer mains. The sewage provides the source of irrigation and the toilet

flushing. This sort of technology means that new or larger pipes would not have to be laid along existing streets at great cost and inconvenience

- ACTEW is experimenting with a series of dry composting treatment plants and wet-solid separation treatment plants (the Aqua Pro 2300). It is a specific grey water treatment plant requiring only 15 watts of power. One composting bin is placed in a wheelie bin so that if there is a problem it can be taken away and another one put in place. The use of this sort of plant means that other sewer mains need not be built
- ACTEW is building a storm surge tank in a suburban park, at a cost of \$7m, in order to avoid a very costly augmentation of existing mains (\$30m). During dry periods the surge tank is a source of storage to treat, and then to irrigate ovals
- ACTEW considers that establishing sewage treatment plants in suburbs, instead of in the countryside out of sight, will mean that effluent can be easily used by, for example, cement batching plants and paint pigmentation-type firms, all of which need water
- ACTEW is experimenting with systems to enable a reduction in top end water pressure so as to lessen water use.

19. Mr Reynolds was asked about the initial cost of the personal sewage treatment and the compost system. He stated that the cost of the 12 prototype units is \$10,000-\$12,000 which compares to a cost of about \$14,500 to put sewage on a block in the A.C.T. The cost is probably \$20,000-\$40,000 in the larger capital cities. “So the economics are there. The thing that guards us is that we need about 400 to 500 square metres of irrigable area so that we are into beneficial reuse. We do not want to get into the stage where the ground is saturated and you are just percolating the stuff down into the ground water table, even though the stuff that is being produced, the effluent, is actually very high quality”.

20. Another question was whether the prototype systems required ongoing maintenance and therefore a degree of care on a day-to-day basis. Mr Reynolds noted that: “I think what you sell is not the unit but the full service; in other words, the unit plus someone who will inspect it every three months. Health authorities are not going to be happy to have 110,000 individuals of differing capacity doing these things, so I believe that utilities always will be an area that will be contestable. But whoever is doing it in the longer term, you will have to sell service. You will have to sell the units and maintain them on behalf of people, or monitor them at least.

Endangered species: Dr Shorthouse, Manager, Wildlife Research Uni’

- the ACT has legislation to identify and protect threatened flora and fauna

- sections of the *A.C.T. Nature Conservation Act* are modelled on Victoria's *Flora and Fauna Guarantee Act*, requiring formal identification of threatened species and preparation of a management response
- the above Act establishes a Flora and Fauna Committee to identify species in need of protection
- an important issue in the A.C.T. concerns native grasslands and some of the plants and animals that use grasslands as their habitat, for example, button wrinklewort, the small purple pea, the mouthless moth, earless dragon and the striped legless lizard
- a proposed Town Centre was moved in accommodate the legless lizard (which is a nationally recognised threatened species) following a study showing that the land contained the most significant population in the country. The land is now to be a grassland reserve
- also, the proposed water quality control pond was deleted from the plans in order to better protect the legless lizard
- the A.C.T. was recently awarded the New Reserve of the Year Award, given annually by the Worldwide Fund for Nature, for these conservation initiatives has been positive. The community reaction has been positive
- it is not clear how these reserves will be managed, especially how issues involving fire, domestic cats and uncontrolled access will be handled
- it is intended to closely involve the local community in the management of reserves.

21. Dr Shorthouse was asked about the response of developers to the loss of land intended to be available for development. Dr Shorthouse noted that developers want certainty, and exact knowledge of the ecological value of an area helps reduce uncertainty. He added that biological investigations take time.

Stormwater planning: Mr Lawrence, Principal Planner, Environmental Planning, in the Department of Urban Services

- stormwater planning has been greatly affected by recent financial and institutional changes and the ecological sustainability policy development - for example, the national competition policies of COAG and major institutional reforms occurring across the water industry
- a total catchment-based approach to the management of urban stormwater and related resources has existed in the A.C.T. for several decades re the upper Murrumbidgee catchment. Other jurisdictions are forming catchment trusts or legislating to require local government areas to work together to develop a total catchment based strategy
- urban stormwater is increasingly recognised as a valuable resource, including economic value in terms of reuse of water, open space recreation

value associated with urban stormwater corridors, and it has a potential conservation value. Stormwater, particularly in an inland context, is used to create wetlands and other habitats that are valuable in regional terms in sustaining what is otherwise a diminishing ecosystem

- 93 per cent of all outdoor recreation in the ACT is water-based or related. Because of the limited sustainability of use of the Murrumbidgee River, some 60 per cent of that outdoor recreation is carried by our urban stormwater lakes
- the A.C.T. has achieved a 70 per cent reduction in the capital cost of providing services, and has gained a 50 per cent to 100 per cent increase in property values fronting onto or having views of open space water corridors
- about 10 per cent of water use in metropolitan terms involves stormwater from urban ponds and lakes
- urban development increases pollutant exports such as sediment, nutrients and suspended solids

the A.C.T. tries to locate urban development so that it drains to an urban stormwater pond or wetland prior to discharging to the major drainage lines and particularly to the Murrumbidgee River.

- some of the outsource controls involve swales, vegetation to intercept sediment during the construction phase of development and on-site detention basins during the construction period
- some of the structural controls involve gross pollutant traps, basically screen systems and sedimentation basins, to remove the coarser or bulk material from the discharge and so protect the downstream waterways; shifting away from the traditional engineered concrete drain to much softer drainage measures using rock and natural vegetation where gradients are steep, interposing some drop structures to reduce the hydraulic forces, but utilising very extensively the natural vegetation; and heavy plantings within the drainage corridors
- the A.C.T. is maintaining the situation very close to pre-urban conditions. The objective is to protect the very high quality and ecology of rivers such as the Murrumbidgee River downstream.

22. In responding to a question, Mr Lawrence noted that there are now no impediments to the use of roof-water storage by residents. In relation to a question about whether water was rediverted into underground aquifers, he noted that the storage capacity recharge capability of the A.C.T. is limited, but is being reexamined in light of the success of areas in Perth and Adelaide.

Asbestos contamination: Mr Bateson, Manager of the Contaminated Sites Unit in the Department of Urban Services

- the A.C.T. has a problem with arsenic contamination from former sheep dips. Arsenic levels can exceed the health investigation level contained in the Australian and New Zealand 'Guidelines for Assessment and Management of Contaminated Sites'
- the former and present Governments are concerned on two counts: the potential threat to public health, and the economic impact on residents of the discovery of a sheep dip close by
- an extensive search has been made to identify sheep dip sites. About 200250 houses might be affected
- the Contaminated Sites Unit was established in December 1994 to manage the process of assessing and, if necessary ,remediating former sheep dip sites in residential A.C.T. The Unit informs residents of the process of assessment and the possibility of remediation. Residents can ask for specific areas of their land to be tested (eg sandpits or vegetable gardens)
- environmental consultants are used to conduct tests of land thought to be contaminated
- the test results are private but the community is informed in a general way
- affected residents are offered Government-funded consultation with a toxicologist and a clinical physician expert in arsenic exposure, Government-funded health testing (a urine test), free testing of house dust, vegetables et cetera, and independent private counselling
- residents may be offered either buyout or temporary relocation pending remediation,
- remediation is at Government expense. No state has yet been remediated. "Remediation, at the moment, consists of digging the soil up, taking it away, testing what you have left and making sure that the levels you have are below what you have set as your remediation target. The soil, when it is taken away, will be placed in a secure landfill so that it does not become a problem" and clean soil will be brought in
- one A.C.T. site has very high levels of naturally occurring arsenic.

Legislation to control smoking in public places: Ms Goodin, Senior Policy Officer at the Department of Health and Community Care

- in 1989-90 the then Liberal Government agreed to requests by the hospitality industry for a trial of self-regulation for smoking and non-smoking in restaurants. This led to an education campaign including a manual for restaurateurs and radio/TV advertisements to encourage customers to request non-smoking when they ate out

- the campaign did not overcome problems, for example, where non-smoking areas were provided they were often poorly thought out and ineffective, customers who requested non-smoking were viewed as difficult or peculiar and some restaurateurs stated they wanted to ban smoking but could not do so whilever their competitors permitted smoking. Experience in SA was similar
- both major political parties in the A.C.T. expressed concern about the voluntary code of practise and suggested legislation was required
- extensive consultation with industry and health groups took place in 1993
- the Labor Government introduced its Public Places Bill in December 1993 and it was debated in February 1994. The Bill was referred to the Standing Committee on Conservation, Heritage and Environment, which produced a majority and minority report. Both reports endorsed legislation but differed on the proposals for exemptions and the proposals for licensed premises
- legislation was finally enacted in September 1994 (the *Smoke-Free Areas Act*). It prohibited smoking in a wide range of enclosed public places, such as shops and shopping centres, by December 1994. For the first 12 months dining areas were required to be at least 50 per cent non-smoking. After this they were to be entirely non-smoking, except for the exemption provision. Non-dining areas of licensed premises are not required to go smoke free until June 1997, which is 30 months after gazettal. Exemption provisions are available for restaurants and licensed premises which want to permit smoking in a limited proportion of their public floor area. This cannot exceed 25 per cent for restaurants or 50 per cent for licensed premises
- both individuals and occupiers may be held liable for violations of the law
- a workplace code of practice was also adopted, requiring employers to provide employees with a smoke-free work environment by June 1997
- there are about 560 restaurants and cafes in the ACT. There have been 10 exemptions issued and there is one pending. One prosecution is pending
- There is not a hardline enforcement approach. All of the inspectors who have been appointed under the legislation are officers in the Department of Health.

Part III: Activity of Parliamentary Environment Committees

House of Representatives Standing Committee on the Environment, Recreation and the Arts

23. Mr Truss, Chair of the Committee, stated that the Committee is inquiring into the management of World Heritage areas by the Commonwealth around Australia. The Committee has held nine public hearings, received 84

submissions and inspected the majority of the World Heritage areas around Australia. The Committee hopes to table its report in October or 1996.

24. The Committee recently held a workshop with some key witnesses to update some evidence. It has used workshops on previous occasions, involving experts to brief the Committee and discuss ideas and concepts around a table. A transcript of evidence is usually taken. The Committee finds this technique useful and has pioneered its use within the Federal parliamentary system. The Environment Committee seeks to produce bipartisan reports.

25. The Committee is also examining an Auditor-General's report on the environmental management of Commonwealth land. The Auditor's report raised issues such as the need for a national policy, guidelines for the effective environmental management of Commonwealth land, the prevention of site contamination and pollution, Commonwealth and State legislation regarding the environmental management of land, and the role and performance of Commonwealth managing entities in the environmental management of Commonwealth land.

26. There are some interesting changes taking place in the committee structure of the new Parliament. Generally, the standing committees have become larger, for example, there are now 14 members on the Environment Committee: nine Government members and five Opposition members. A Government member is the chairman and an Opposition member is the deputy chairman. The quorum has been reduced to three. Some difficulties have arisen in getting quorums and subcommittees are being used.

27. The new Parliament has entrenched the right of committees to investigate Annual Reports of departments and statutory authorities where the committees have an interest. Whilst House of Representatives committees require a reference from a Minister to deal with an issue, the fact that there is now the capacity to review the Annual Reports of departments gives committees the capacity to initiate their own inquiries.

28. Financial cutbacks are affecting House of Representatives committees and many no longer have their own secretariat. The secretariat of the Environment Committee now also services the new Primary Industry and Rural Affairs Committee.

29. The Environment Committee uses e-mail and the Internet. The Internet is proving to be a useful research tool. As well, the committee has a home page on the Internet which is linked to other pages that contain information such as details about the committee's inquiries, committee members, a list of reports, instructions about how to make submissions to committee inquiries and the like.

New South Wales Standing Committee on Public Works

30. Mr Crittenden, Chair of the Committee, stated that the Committee is becoming more involved in environmental issues. The Committee's terms of

reference include specific responsibility to look at the environmental impacts of public works.

31. This environmental reference reflects the fact that, in the former Parliament, a committee called the former Standing Committee on the Environmental Impact of Capital Works existed. That Committee was chaired by an Independent member, Dr Peter Macdonald. Its establishment reflected the operation of minority government in NSW. After the last election in 1995, the Committee was incorporated into the Public Works Committee - of which Dr Macdonald is a member.

32. The first inquiry by the NSW Public Works Committee was into the infrastructure requirements of the proposed Sydney West Airport at Badgerys Creek. That report was tabled in November 1995. It contained 122 recommendations covering a range of capital works projects as well as dealing with sensitive environmental issues such as aircraft noise and air and water quality. The Committee recommended moratoriums on residential development, specific take-off and landing procedures, restricted flight corridors, and curfews over densely populated areas.

33. The Committee is now conducting four concurrent inquiries which deal with different aspects of public works proposals as they relate to environmental issues. The Committee's inquiry into the Lake Illawarra Authority is probably the most pertinent.

34. Lake Illawarra is a shallow coastal lagoon located just south of the major industrial region of Wollongong. For many years it had a major power station on its western bank. It has been subject to intense urban development since the late nineteenth century. The Lake Illawarra Authority was established under a one-off Act in 1987 to clean up the degraded waters of the lake and to improve its foreshore amenity.

35. The goals and responsibilities of the Authority, as set down in the Act, reflect a philosophy towards waterways management which was fairly typical in the years before total catchment management became the accepted practice. The Authority's powers are restricted to the high-water mark of the lake and, significantly, it has almost no power to make an impact on the large quantities of run-off which enter the lake from farms and towns within the catchment.

36. Until last year the Authority operated under the umbrella of the Public Works Department, so it is probably not surprising that engineering options have been preferred as solutions.

37. The Public Accounts Committee is reviewing the capital works program of the Lake Illawarra Authority to determine whether its engineering management solutions are cost effective and environmentally appropriate. It appears that a high proportion of the \$13m spent by the Authority has been directed towards cosmetic foreshore works rather than environmental works, such as detention basins and wetlands, which will help to reduce the amount of sediment entering the lake.

38. This strategy has made the Authority popular with foreshore residents, who appreciate the enhanced visual quality of their environment. However, Lake Illawarra itself is still showing the stresses of long-term urban, rural and industrial development within the catchment. The Committee is particularly concerned by the environmental impact of two public works proposals designed to deal with these water quality problems - one for commercial sand extraction and another to clear a permanent opening between the lake and the sea.

39. Firstly, the Authority has proposed a commercial sand extraction project which would involve digging sand out of the lake bed to a depth of 14 metres. The sand would be sold to the construction industry and the hole gradually filled with ooze dredged from the lake. When it was full, the ooze deposit would be capped. The idea is to provide the Authority with revenue and create a disposal site for ooze, which is becoming increasingly expensive to dispose of because of State Government quotas to reduce landfill.

40. However, there are environmental dangers from this project. The Committee took evidence from commercial fishing interests that this site is one of the healthiest remaining seagrass areas in the lake. These seagrass beds are vital spawning and nursery grounds for many species of commercially harvested fish and prawns. The Committee also heard that certain types of seagrass will not regenerate once they have been destroyed, an outcome which would disrupt the delicate ecosystem of the lake.

41. The second controversial issue is the proposed entrance works, intended to permanently open the mouth of the lake to the sea and supposedly improve water quality by tidal interchange. It would significantly reduce flood heights, which have been a recurring problem in the low-lying suburbs around the lake. The proposal involves realigning the entrance and approximately 700 metres of the channel, then holding it in place with a rock retaining wall, breakwaters and sand dunes. The total cost of the work would be in the vicinity of \$4m. There are possible adverse impacts, the most serious of which is a possible drop in the lake water level by up to 10 centimetres. This drop in the water level could seriously affect remaining seagrass colonies.

42. In essence, the Committee is being asked to assess issues which split the scientific community. These public works proposals may work - but they may have a catastrophic effect on Lake Illawarra. The evidence is anything but clear. What is clear is that the existing resource management system is piecemeal. The Committee is currently developing a fully integrated resource management system for Lake Illawarra, one which covers the entire Illawarra catchment. The Committee is investigating the suitability of a catchment management trust funded by levies which can implement total catchment management in this region for the very first time.

Victorian Environment and Natural Resources Committee

43. Mr Perrin, Chair of the Committee, addressed the Conference. He stated that the Committee tabled one report in the past year: *Problems in Victoria Caused by Long-Billed Corellas, Sulphur-Crested Cockatoos and Galahs* (November 1995). That inquiry received many submissions; seven public hearings were held and members made a number of field inspections. The Committee made 15 recommendations covering research, damage assessment, costs, and bird control measures. Of the 15 recommendations the Minister for Conservation and Natural Resources accepted 14. It was a unanimous report, so it had a lot of credibility. Some of the recommendations are already in place in State legislation.

44. The Committee was reformed in May 1996 following the Victorian elections. Seven of the nine members have changed.

45. The Committee is conducting two inquiries at present. The first is into ballast water and hull fouling in Victoria. The previous committee started the first inquiry before the election, following a referral by the Governor-in-Council (on the initiative of the Minister for Conservation and Land Management) in August 1995. The inquiry then lapsed because of the dissolution of Parliament; however, the reconstituted Committee was given the identical terms of reference in June of this year.

46. The inquiry's terms of reference are:

Investigate the sources, movement and management of ballast water in Victoria;

examine the actual and potential impacts of translocated marine organisms in Victoria;

advise how Victoria can influence international and national efforts to address the problem of ballast water, as well as looking at the appropriateness of State-based measures; and

consider how an integrated cooperative approach to ballast water problems that is both environmentally and economically sustainable can be achieved.

47. Ballast is a complex national problem. Ballast contains plants, animals, viruses and bacteria. Because ships are getting faster, organisms in ballast water are surviving and being translocated into other environments. As well, organisms are entering Australian waters on the hulls of ships. When divers go down to clean the hulls, the material they chop off falls to the bottom and all the organisms go with it. This can cause problems for human health, the aquaculture sites that many States have built up, tourism and enjoyment of coastal amenity.

48. There are 35 known species of exotic organisms in Port Phillip Bay. The worst of them is one that has taken over about a third of the Bay. It is called Mediterranean fanworm, or sabella worm. It is competing with our

native species for food and space. It is thought to be altering the nitrogen cycle of the marine ecosystem. It has the potential to totally change the Bay and any other bay that it takes control in. The effects on the ecosystem are going to be enormous. Controlling it is going to be very complex and, if the polluter (the shipowner) is made to pay, it could be very costly.

49. The Committee has visited Hobart on a site inspection in relation to the inquiry.

50. The Committee's second inquiry is into pest plants. This matter was referred to the Committee in May this year by the Governor-in-Council (on the initiative of the Minister for Conservation and Land Management). The Committee is to investigate the State-wide priorities for pest plant control and to advise on suitable cost-sharing arrangements for weed controls; to determine the current and projected costs of control of weeds on private and public land; and to provide advice on the appropriate roles of State and local governments, industry and land-holders.

51. Pest plants are a major problem for Victoria and other States. It seems that, in Australia, weeds are spreading faster than they can be controlled. They probably cost something like \$3.3 billion per year in Australia. That figure does not include the environment costs such as those associated with environmental weeds getting into our parklands.

52. The Committee was briefed by the CSIRO in Canberra about ways to tackle pest plants through biological engineering

53. The Committee has produced a background booklet to give to people interested in making a submission. It includes a pamphlet on making submissions to parliamentary committees and a pamphlet on how to appear as a witness before a parliamentary committee. These are particularly useful pamphlets, in that the Committee has noticed a great improvement in the quality of submissions since they have been made available.

South Australian Environment, Resources and Development Committee

54. Mr Venning, Deputy Presiding Member, spoke for the Committee. He stated that it is a six-member bipartisan committee with three Liberal members, two Labor members and one Democrat member (the Chairman having a casting vote).

55. The Committee's terms of reference are to inquire into, consider and report on such of the following as are referred under the Act: any matter concerned with the environment or how the quality of the environment might be protected or improved; any matter concerned with the resources of the State and how they might be better conserved or utilised; any matter concerned with planning, land use or transportation; and any other matter concerned with the general development of the State.

56. These terms of reference are so broad that the Committee can inquire into almost any issue or matter within State jurisdiction.

57. The Committee has inquired into, and this year tabled reports on, compulsory motor vehicle inspections at change of ownership; water leakage at the Olympic Dam uranium mine at Roxby Downs; vegetation clearance regulations pursuant to the *Electricity Trust of South Australia Act*; the Sellicks Hill quarry cave; and the multifunction polls.

58. Another major aspect of the Committee's work is considering amendments to development plans Under the *Development Act* in South Australia, all amendments to development plans must be considered by the Committee as a final check in the process. The Committee considered 28 development plans in the last financial year.

59. The most comprehensive inquiry and report of the Committee involved the leakage of water from the uranium mine at Rosby Downs. It was found that there were several deficiencies in the design of the tailings retention system at Olympic Dam. It was also found that the monitoring systems designed to detect leakage from the tailings retention system were defective, although the operators moved very quickly to remedy the situation. The Committee found that, although the leakage was not attributable to any single cause, the mine water evaporation pond at Olympic Dam has made a significant contribution to the amount of leaked liquid. Importantly, however, there have been no harmful effects on the employees, the local community or the environment arising out of the leakage from the tailings retention system; and it is highly unlikely that any such harmful effects will emerge in the future.

60. The Committee's report made a number of recommendations to remedy the situation, the most important being an initiative by the Minister for Mines and Energy to ensure that the Olympic Dam operators and agencies involved in monitoring activities at Olympic Dam continue to publish the results of the monitoring and longer-term research - and that the State Government continue to work with other government agencies to promote research into the design, operation and rehabilitation of tailings dam retention systems.

61. Following the report, a number of significant improvements have been made in the systems in place to ensure the environmental impacts from the Olympic Dam operation are kept to an acceptable minimum. The State Government has enacted the Committee's recommendations and is committed to continuous improvement in its management of the environmental impacts from all development initiatives, including mining and related projects. Since the report was tabled, Western Mining has announced a \$1.25 billion investment in the operations at Roxby Downs. The Committee's report was certainly important, and the inquiry was very timely.

62. In November 1995 the Committee tabled a report on the controversy about the 1991 discovery of a cave at an operational quarry at Sellicks Hill that was imploded two years later. The large cave was uncovered in the course of

operations at the Sellicks Hill quarry in 1991. At the request of the quarry's owners, the cave was explored over the next two months by an enthusiastic group of local cavers. Towards the end of 1991, access to the cave was denied on operational grounds and later on safety grounds and public liability considerations.

63. After the cave was imploded, Parliament asked the Committee to examine all of the circumstances surrounding the implosion. This reflected public interest in caves and the fact that their destruction, potential or real, has the capacity to generate considerable passion and outrage. The entrenched partisan positions adopted by the two main groups who gave evidence to the Committee - the cavers, on the one hand, and the mining fraternity, on the other - made it extremely difficult for the Committee to arrive at a balanced view of the events surrounding the implosion and what should have been done in response.

64. The Committee wished to look positively to the future rather than dwell on the negative aspects of the history and the controversy surrounding the cave.

Therefore, the Committee endorsed the general thrust of the State Government's detailed procedures for dealing with similar incidents which may occur in the future, while suggesting a number of amendments to give them proper force. The Committee's proposals for legislative amendment are now being considered by Cabinet and include new duties under the *Mining Act*, the *Local Government Act* and the *Heritage Act* to protect caves and items of potential environmental and heritage significance uncovered in the course of exploration or quarrying operations.

65. Another significant report was tabled in 1995. It concerned investigation of the introduction of compulsory inspections for all light motor vehicles at change of ownership to check basic roadworthiness and/or to verify the vehicle's identity. Given the ageing of the Australian car fleet and of the South Australian fleet in particular, it seemed obvious that improving the condition of cars on our roads would lead to safer roads and a cleaner environment. It was therefore of considerable surprise to the Committee to discover as a result of its inquiry that there was little hard evidence available to support these conclusions.

66. The Committee's principal finding was that the claimed benefits of compulsory checks in terms of improvements in road safety, the environment, consumer protection and vehicle theft reduction were not proven and that there is little evidence to suggest that substantial benefits would be derived from the introduction of compulsory periodic roadworthiness and identification inspections. Despite its rejections of compulsory change-of-ownership inspections, the report did make some very positive recommendations designed to address the many serious problems identified in the course of the committee's inquiry.

67. A further report, tabled in August 1996, concerned the multifunction polls corporation. It is an important report at this time because of the recent ending of Commonwealth funding of the Corporation and ongoing funding by the State Government. The lack of substance in the reporting from the MFP Board has been frustrating to the Committee, which wishes to focus on and acknowledge the positive work being carried out by the MFP. A further report incorporating a response to the Committee's request for greater detail is expected by the end of this year.

68. Another report was tabled in July 1996. It followed a reference by the House of Assembly, initiated by the Minister for Infrastructure, to review the Vegetation Clearance Regulations pursuant to the *Electricity Trust of South Australia Act 1946*. There has been continuing debate in the community at large and amongst local government representatives in South Australia as to the extent of and/or the necessity for vegetation clearance to be a mandatory requirement in certain circumstances, especially in non-bushfire risk areas.

69. The Committee, in its deliberations, was aware of the ramifications of the introduction of the new *Electricity Corporations Act 1994* that will facilitate the disaggregation of electricity and therefore enable other potential electricity suppliers into the market. The disaggregation amendments are a result of the Hilmer Report's competition policies.

70. The Committee concluded that the present regulations are adequate and in line with national standards. One particular recommendation affects all State planning laws and lies under Federal jurisdiction. It is that the State and Federal Governments should develop joint programs for the sharing of trenches by electricity and telecommunications carriers; that the State Government should seek from the Commonwealth Government a commitment to a program for the undergrounding of telecommunication cables; and that stricter adherence to local planning and development Acts be addressed as part of the Austel code for telecommunications carriers. The Committee is very interested in the response to this recommendation.

71. This inquiry demonstrates that some inquiries go beyond State boundaries, involving solutions to be drawn up with State and Federal cooperation. The rapid roll-out by telecommunications carriers requires urgent attention or Australia will be left with environmental concerns for many years to come.

72. The Committee will commence an inquiry in September 1996 into waste management practices in South Australia, to be followed by one on benzenes and aromatics in petrol, and one on the sustainability of agriculture in South Australia.

73. The Committee produced pamphlets for public distribution to give people an insight into the Committee and to upgrade the standard of submissions. They have been very successful.

74. The Committee stresses the importance of standing committees in legislative change when Ministers accept the considered recommendations of committee reports.

Northern Territory Sessional Committee on the Environment

75. Dr Lim addressed the Conference on behalf of the NT committee, whose sole task is to monitor the various government and non-government agencies participating in the mining and monitoring of uranium in the Alligator Rivers region, with specific emphasis on any impact the mining has on the environment.

76. The Committee visited the uranium mining area earlier in 1996, looking at the concept of constructing a road from Koongarra to Ranger to enable processing of ore at Ranger. The Committee considered the way tailings were contained at the Ranger No. 1 pit. Environmental requirement No. 29 specifies that the tailings be returned to the Ranger pits unless the Supervising Scientist agrees that the environment would be no less well protected by disposal of tailings by some other method. Ranger has set aside \$1.5m for environmental research and development during 1996-97 to allow a final decision on the fate of the tailings dam'

77. Mining at Jabiluka is increasingly likely and the Committee was given an overview of the proposal to mine Jabiluka and to mill the ore at Ranger. The mining proposal includes an underground mining operation, and transporting the ore via a haulage road from Jabiluka to Ranger. A new EIS is being prepared within the guidelines set out by both the Commonwealth, as advised by the Supervising Scientist, and the Northern Territory Government.

78. The Committee also noted the progress in decommissioning and rehabilitating the Nabarlek mine site. This was done primarily from the air as road access at the time of inspection was wellnigh impossible. The aerial perspective provided the Committee with a clear indication of the progress since rehabilitation and revegetation. It seems that the area has been successfully seeded and is in the early stage of revegetation. The Committee will continue to monitor that area.

79. The Committee also visited ERISS, which has been restructured to assess the impact of mining, to conduct reviews and to provide advice on matters to the responsible Commonwealth Minister as required. The role has been expanded to reflect available expertise and to develop collaborative partnerships with the Northern Territory.

80. ERISS provided the Committee with information relating to its environmental monitoring duties. Of most interest were the chemical and biological measurements of the effects of mining on the surrounding areas compared with those predicted by the Fox inquiry. They show that there is no discernible difference between the upstream and downstream fish larvae populations. Similarly, with the monitoring of snails, a zero mean result was

achieved. In other words, based on this biological monitoring, ERISS is unable to detect any downstream effects from the Ranger mine.

81. Exposure to radiation in the region via the aquatic pathways is generally 100 times lower than the public dose limit. With atmospheric exposure of people, where radon gas and radon daughters and possible dust ingestion are the major culprits, ERISS found that the levels are substantially below the international recommended limit. Dust reduction practices at Ranger ensure that this is not a hazard. Recent research has shown that radon is probably not the likely culprit in any lung problems in nuclear energy or uranium mining personnel. It appears that radon is really not as toxic as it was initially thought to be.

82. Overall, the diligence of all stakeholders in the Alligator Rivers region in adhering to environmental requirements has contributed to the low levels of measurable change in chemical concentrations of water downstream of Ranger. On the basis of the measurements under the current monitoring programs, the mining operation is performing much better than expected by the Fox inquiry terms of standards derived later, and in terms of sensitive biological monitoring methods being used, there is little doubt that the off-site environment downstream - that is, the Kakadu National Park and the people living in it - is being protected to accepted national and international standards.

A. C. T. 's Standing Committee on Planning and Environment

83. Mr Moore (Chair) addressed the Conference, noting that the Committee has reported on three environmental issues: the Gungahlin Town Centre (shifted to permit the preservation of important grasslands containing an endangered species), graffiti, and contaminated sites (in particular, the issue of arsenic contamination and remediation). Inquiries now underway include the protection of amenity rights and the State of the Environment Report (prepared by the Commissioner for the Environment).

84. In relation to the latter inquiry, the Committee has been given the use of a seconded officer by the Chief Minister. This eases the workload on the Committee's staff of one, and should enable the Committee's report to be produced by the end of this year. This is the first time the Legislative Assembly's Committee Office has been granted the use of a seconded officer, with the cost being borne by the Executive.

85. Like other standing committees of the A.C.T. Assembly, the Committee has the power to self-refer. This power is a very useful device in ensuring that Governments are held accountable.

86. The Committee is now discussing moves towards environmental accounting. This involves looking, not just at the short term in economic rationalist terms, but the long-term economic results that are part and parcel of the environment.

New Zealand Planning and Development Committee

87. Mr Bagnall, Clerk of the Committee, addressed the Conference. He stated that it is one of 13 select committees set up under Parliament's Standing Orders. The committees deal with particular subject areas. The other main committees are the Officers of Parliament Committee and the Standing Orders Committee. The latter is currently reviewing the Standing Orders in anticipation of the move into a new parliament under an MMP system.

88. The main activity of committees is the scrutiny of legislation. Virtually all Bills are referred to a select committee for a decision about whether the Bills should proceed at all; if so, the committees determine how the Bills should be redrafted. The committees present a redraft of Bills when they report after hearing public submissions.

89. Committees also produce commentaries outlining issues that arose during consideration of Bills. Inquiries may be referred by the House, but generally they are self-initiated. If they are to be self-initiated, they must arise within the subject areas of the particular committees. Currently, committees are restricted to the consideration of government agency activities, but after the next election that will not be the case. Basically, they will be able to look into anything that comes within the subject areas.

90. The Government must respond to recommendations contained within a select committee report on an inquiry.

91. The Planning and Development Committee can inquire into reports produced by the office of Helen Hughes, the Parliamentary Commissioner for the Environment. Whereas her reports do not necessarily require a response by the Government, if the committee picks them up they do require a response.

92. The parliamentary annual financial cycle comprises two main cycles. The first is the consideration of Estimates, the spending plans of the different departments. The second is the financial review of departments. All Annual Reports of departments are referred to select committees automatically for review of departments' activities. Although not a major activity, any petition that is presented to the House is sent to a committee, which can then take action on it.

93. The subject area of the Planning and Development Committee is conservation, environment, surveying, land information, valuation and construction and development work. There are five permanent members of the Committee but, quite frequently, other members participate in inquiries if they have particular expertise or a particular interest.

94. In the last six months the Planning and Development Committee has been one of the busiest, if not the busiest, of the select committees. The Committee has reported on five Bills, done financial reviews of five departments and scrutinised the estimates of five departments. It has met 36 times, for a total of 128 hours, which is more than average.

95. The Committee looked into the Resource Management (Amendment) Bill No. 3. For a Bill that supposedly contained mainly technical amendments, it has generated quite a large amount of interest among user groups and community groups. The Bill is still before the committee. The proposed amendment is to the *Resource Management Act 1991*, which is the overarching legislation for planning and environment issues in New Zealand (combining over 50 separate pieces of legislation).

96. The Committee also examined the Ozone Layer Protection Bill, which provides for detailed controls on substances which damage the ozone layer to be moved from statute into regulation to enable a more rapid response to developments in this area, such as further amendments to the Montreal protocol on substances that deplete the ozone layer.

97. The Committee dealt with highly charged issues in examining two mining Bills - the Coromandel Haraka Gulf (Prohibition on Mining) Bill and the Protected Areas (Prohibition on Mining) Bill. These Bills propose the banning of mining activities on certain categories of land administered by the Department of Conservation - for example, land that is protected because of its natural conservation values.

98. Recently, the Committee heard submissions on the west coast of the South Island. This area has the greatest amount of land held by the Department of Conservation. Up to 80 per cent of the land on the west coast of the South Island is held in that way. It is also one of the main mining areas.

99. The three main departments scrutinised by the Committee are the Ministry for the Environment, which promotes sustainable management of resources and administers implementation of certain statutes such as the *Resource Management Act*, the *Ozone Layer Protection Act* and a new piece of legislation, the *Hazardous Substances and Organisms Act*; the Department of Conservation, which provides for the conservation of natural and historic resources and manages publicly owned land that is protected for natural, scientific, historical or cultural reasons; and Land Information New Zealand, which was formerly the Department of Survey and Land Information, which in addition to its functions relating to survey and land information and land titles holds and administers what is called unallocated Crown land which does not belong to any other government organisation - it is a sort of catch-all.

100. The most significant review is always the review of the Department of Conservation. Foremost among the issues that have cropped up in the last year is the department's response to the Cave Creek tragedy, when a viewing platform on the west coast of the South Island collapsed with the loss of 14 lives. The department has subsequently conducted a review of the soundness of all structures in the New Zealand back country. There are up to 40,000 structures - not just small boardwalks but retaining walls, huts, platforms and that sort of thing. It has been a major undertaking. It has also resulted in the review of the department's project management systems. A Royal Commission of inquiry into the collapse of that platform indicated that the major cause was

a deficiency in the department's project management systems. The department has subsequently been reviewing its systems. The Committee has been particularly interested in this process.

101. Over the last few years the Committee has been quite vociferous in its criticism of government funding for the department and was pleased that this year there was a significant increase in funding for the department. Threatened species, recovery programs and pest control have been particular areas in which the committee has been concerned by funding levels. The latest budget has allocated significant additional money to these areas, but the committee is keeping a close eye on things.

102. The Committee has been particularly interested in the department's management of visitor services on the conservation estate and the way in which the department seeks to minimise the effects of the higher tourist numbers. This is a big issue because tourism is increasing at a considerable rate in New Zealand, especially on the conservation estate. The Conservation Department, on the one hand, provides visitor services and, on the other, is responsible for minimising the impact of visitors on the estate.

103. A recent report from the Parliamentary Environment Commissioner expressed concern at the lack of a national strategy for the management of cultural and historic resources. The Committee considered this report as part of its review of the department's estimates recently, and indicated that this issue should be taken up by the new committee after the new Parliament commences. In other words, the Committee recommends that there be an inquiry into this particular issue.

104. The Committee took the unusual step during its consideration of the estimates of the Department of Conservation to appoint the office of the Parliamentary Environment Commissioner as an adviser. It is unusual for one department or office to be appointed as an adviser in the scrutiny of another as part of the annual financial cycle. However, it may indicate how things will go in the future as committees seek more contestable advice not just in consideration of financial reviews but in consideration of legislation as well. They will not necessarily look to government departments for advice but may look elsewhere.

105. The immediate future of the Committee is not very clear. It is currently proposed that the Planning and Development Committee and the Transport Committee be merged in the new Parliament to form a Transport and Environment Committee. Members of the existing Committee have expressed concerns about this.

106. There have been a number of changes in the Parliament and the Standing Orders which will see an even greater emphasis on select committees after the election. In particular, the number of seats is going to increase from 99 to 120, which will see a larger backbench population in the house. The committee sizes will be increased from five on average to eight, with each

member belonging to only one committee. At the moment most members belong to at least two. This will allow greater specialisation.

107. After the election there will probably be either a minority or coalition government, similar to what exists in the A.C.T. at the moment. It is perceived that there will be an even greater emphasis on the select committee system as a result. In a sense, this has already happened: effectively, the New Zealand House of Representatives is working under a sort of coalition government arrangement.

Part IV: Next conference

108. Members discussed the offer by the Queensland Public Works Committee to host the 1997 Conference of Parliamentary Environment Committees. Though the Queensland Committee does not directly cover environment matters, it considered that a great deal of common ground exists in the work of Public Works and Environment Committees; and that there was merit in continuing this year's initiative of holding both Conferences at the one time.

109. A question was asked about the merit of meeting biannually rather than annually. The Chair of the Victorian Environment and Natural Resources Committee noted that, though his Committee initially suggested a biennial conference on the basis that Parliamentary Public Accounts Committees get together every two years, delegates at last year's Conference made it very clear that the Conference was so valuable it should be held annually.

110. The Conference agreed to accept the Queensland offer, with thanks.

111. It was suggested that the use of electronic forums such as Internet may be an interesting agenda item for the next Conference - especially its implications for the work of committees.

112. Further, it was suggested that the reports by individual committees be listed at an early stage of next year's Conference, in order to permit delegates to pursue matters raised in greater time than was available this year. Also, it was suggested that next year's Conference devote some time to the issue of environmental accounting. One idea is for each delegation to give a short report on what is being done in relation to environmental accounting, cabling or some other matter that is of interest to all States and Territories. This would complement a thematic approach to setting the Conference agenda.

Part V: Conclusion

113. The Chair of the host committee thanked all delegates for their attendance, for the effort put into the presentations and for the very friendly atmosphere and the acceptance that delegates have felt.

Michael Moore MLA

Chair

20 September 1996