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SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME

Noumea, New Caledonia

A U S T R A L I A

COUNTRY REPORT

(Department of Home Affairs and
Environment - February 1981)

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SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME

AUSTRALIA - COUNTRY REPORT

1. INTRODUCTION

This report follows a checklist and suggested format set out in South Pacific Commission (SPC) Savingram No. 52. Australia has a Federal Constitution and in responding to the SPC checklist a distinction needs to be made between the Commonwealth Government, the six States and the two internal Territories. It has not been possible to consult with the States and hence this Report has been prepared on the basis of existing published and unpublished information available to the Commonwealth Department of Home Affairs and Environment. The report should not be considered as a comprehensive 'national' Report encompassing all the views of the Commonwealth, State and Territory Governments.

1.1 CONSTITUTIONAL BACKGROUND

Australia is governed according to a federal system in which the respective powers of the Commonwealth Government and the six States are defined under the Commonwealth of Australia Constitution Act of 1900. The Head of Government is the Queen of Australia and Australia is a member of the British Commonwealth. The Governor-General, appointed by the Queen, is formally the Chief Australian Executive. The powers of the Governor General are limited. The effective executive powers of the Commonwealth are vested in the Prime Minister and Ministers of State. The Commonwealth Parliament consists of the House of Representatives, whose members are democratically elected from electoral districts defined within the States and the two internal Territories on a population basis, and a Senate with equal representation from each State and with representation of the internal Territories. Federal judicial power is vested in the High Court of Australia, in Federal courts, and in State courts invested with jurisdiction in Commonwealth matters by the Federal Parliament.

Under the Constitution, certain powers are specifically assigned to the Commonwealth Government, while others are held concurrently by both the Commonwealth and the State Governments, with Commonwealth legislation prevailing in those instances where conflicts between Commonwealth and State powers occur. Powers not specifically assigned in the Constitution remain with the States. The latter is the case with most aspects of environmental protection, especially with respect to regular control functions involving the operation of State instrumentalities, municipal matters, industrial enterprises and the environmental conduct of individuals. The Commonwealth Government has powers in those environmental matters involving international relations, overseas trade, federal finance, territories and the environmental impact of Commonwealth Government activities.

State political, administrative and legislative systems parallel, for the most part, those of the Commonwealth. Each State has a democratically elected lower house (the Legislative Assembly or the House of Assembly) and, with the exception of Queensland, each State has an upper house (the Legislative Council). Each State has a government administrative and judicial system.

2. POLICY AND IMPLEMENTATION

2.1 POLICY

2.1.1 Has the government adopted any statements of environmental policy?

Both the Commonwealth and State Governments issue policy statements on a range of environmental issues. At the Commonwealth level an overall statement on environmental policy has not been made. Matters which the Commonwealth Government has issued environmental policy statements include:

- a. uranium mining;
- b. Great Barrier Reef;
- c. Kakadu National Park; and
- d. whaling.

2.1.2 Desirability of adopting a statement of environmental policy

Recently the Prime Minister announced that the States and the Northern Territory had agreed to collaborate with the Commonwealth in utilising the World Conservation Strategy to develop a National Conservation Strategy for Australia. A copy of the Prime Minister's press statement is at Appendix 1.

The National Conservation Strategy is to represent a consensus statement of priorities and actions for meeting national conservation objectives which all levels of government and non-government bodies can adopt. The strategy document will be a first attempt to provide comprehensive statement of national environmental policy.

2.1.3 Government Policies

a. Economic and Social Planning

Australia, like most other industrialised countries, has a market economy in which both public and private institutions exercise economic and social control.

b. Physical or regional planning

Physical and regional planning in Australia is largely the responsibility of State and Local Governments. State physical planning policy is implemented through statutory planning and development control mechanisms. Planning policies have been developed for specific regions in most States.

c. Design of development projects

Major development projects often require government policy decisions. Government policies can include such matters as location, finance, social and environmental impact and economic benefits. Recent major development projects which have been the subject of Commonwealth Government decision include:

- (i) the development of uranium resources in the Alligator Rivers Region of the Northern Territory;
- (ii) construction of a gas pipeline between Moomba (South Australia) and Sydney (New South Wales);
- (iii) construction of Dartmouth Dam at the headwaters of the Murray River in Victoria; and
- (iv) large scale expansion of aluminium refining and smelting industries in several States.

d. Major resource areas

Both Commonwealth and State Governments have specific policies on agriculture, fisheries, forestry, mining, energy and water. For example, in respect of agriculture the Commonwealth Government enforces a strict quarantine policy on the entry of animals and plants from overseas. Water resource development and management is an area in which the Commonwealth and State Governments have agreed to a comprehensive resource policy (see S.4.1.2 for details).

e. Area Development

The Commonwealth and State Governments also have policies relating to specific areas of rural and urban development. Examples of federal policy on rural development include:

- (i) taxation concessions for primary producers;
- (ii) agricultural loans;
- (iii) rural adjustment; and
- (iv) Commonwealth grants for agricultural extension services.

While urban development is primarily the responsibility of State and local government, the national government has several programs relating to urban development including:

- (i) financial assistance for the Albury/Wodonga Growth Centre;
- (ii) decentralisation incentives; and
- (iii) pilot urban rehabilitation program.

f. What are the Government's priorities in these areas

Government priorities between these areas are not explicitly stated. Some assessment of Government priorities could, however, be made from an assessment of annual budget allocations.

2.2 LEGISLATION

Legislative powers in areas affecting the environment are primarily the responsibility of the States. In all States there is separate legislation covering air, water and noise pollution, various

aspects of natural and living resource conservation and other matters of environmental concern. The States have also enacted general administrative laws to provide mechanisms for coordinating environmental programs. Common law provisions also apply to various matters affecting individuals, with environmental relevance.

The most comprehensive federal legislation is the Environment Protection (Impact of Proposals) Act 1974, the purpose of which is to ensure that matters affecting the environment to a significant extent are taken into account in Commonwealth actions and decisions. Other legislation at the national level includes:

- a. the Australian Heritage Commission Act 1975 established the Australian Heritage Commission and provides a mechanism for the identification and environmental assessment of Commonwealth actions relating to the natural and man-made environment of national importance.
- b. the National Parks and Wildlife Conservation Act 1975 established the Australian National Parks and Wildlife Service and provides for the establishment and management of parks and reserves in Commonwealth territories and for aspects of wildlife conservation;
- c. the Great Barrier Reef Marine Park Act 1975 established the Great Barrier Reef Marine Park Authority and provides for the establishment and management of a marine park in the region of the Great Barrier Reef;
- d. legislation to allow uranium mining in areas of the Northern Territory subject to specific environmental controls including the Environment Protection (Alligator Rivers Region) Act 1978, establishing the Office of the Supervising Scientist to supervise environmental aspects of uranium mining activities in those areas, and the Environment Protection (Northern Territory Supreme Court) Act 1978 which allows certain interested parties to seek relief from the Courts in relation to actual or possible damage to the environment;
- e. the Environment Protection (Nuclear Codes) Act 1978 which provides for the development and promulgation of Nuclear Codes of Practice in collaboration with the States and the Northern Territory for the regulation of the uranium industry. These codes will be implemented under appropriate legislation within each State and Territory;
- f. the Environment (Financial Assistance) Act 1977 which allows Commonwealth financial assistance to be granted to States for environmental programmes; and
- g. the Commonwealth has recently legislated for the total protection of whales and Antarctic flora and fauna. Commonwealth legislation in areas such as health, science, fisheries, transport and water resources also has some environmental relevance.

2.3 PLANNING

2.3.1 Are environmental factors considered in economic planning?

Commonwealth Government policy is to maintain a responsible balance between economic planning and development and environmental protection.

2.3.2 Have resource or land use surveys been made?

Extensive resource and land use surveys have been conducted in Australia for many years. A recent listing of surveys is contained in the 'Catalogue of Australian Land Resource Surveys', prepared by the Commonwealth and State Government Collaborative Soil Conservation Study 1975-77.* Surveys have been made of many resources and over large areas of the continent. Most surveys are undertaken by, or on behalf of, the State Governments. Authorities conducting national surveys include:

- a. Australian Heritage Commission - maintains a register of the National Estate;
- b. Bureau of Mineral Resources, Geology and Geophysics - information on the geological framework and mineral resources of Australia including the Territories and offshore areas;
- c. Division of National Mapping - conducts geodetic and bathymetric surveys, topographic mapping and air photography. Coordinates Commonwealth and State survey and mapping activities; and

Australian Biological Resources Study - established to promote studies of the taxonomy, distribution and ecology of Australia's flora and fauna. The Study will produce major taxonomic works on the flora and fauna of Australia.

2.3.3 Are environmental maps or other environmental data used in physical planning?

Use of environmental maps and data in physical planning is now generally accepted. Environmental factors are required to be taken into account in state physical planning activities by statutory regulation. Various manuals and guide books have been produced to assist planners. A similar situation applies at the Commonwealth level. An extensive review of physical planning and environmental assessment procedures has been undertaken by Fowler** for the Commonwealth Department of Science and the Environment.

* Australian Department of Environment, Housing and Community Development. Catalogue of Australian Land Resource Surveys. Commonwealth and State Government Collaborative Soil Conservation

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_13745

