

PART 4

THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

CHAPTER 7

ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND TOURISM

Introduction

7.1 For some time the Australian tourist industry has been urged to play a significant role on environmental issues. The Hon. R.J. Kelly, as Minister for the Arts, Sport, the Environment, Tourism and Territories stated that an ecologically sustainable tourism industry has the potential, possibly more than any other industry, to contribute to improving public attitudes to the environment.¹

7.2 Responsibility for environmental awareness has been acknowledged and accepted by the Australian Tourist Commission (ATC), Australia's national tourism promotion office. The ATC has among its main goals to ensure Australia is protected from any adverse environmental and social impacts of international tourism.² Further, the Commission's Managing Director, Mr Tony Thirwell, has stated that the environment is Australia's best asset. It has been claimed that the Commission is 'itching to play a more protectionist role if the Government will let it'.³

Self-Regulation by the Tourist Industry

7.3 This Committee believes that tourist developments are not only inevitable but desirable, provided that the environment is preserved both for its own

¹ The Hon. Ros. Kelly, *Press Release*, 2 January 1991

² *Explanatory Notes 1990-91, Budget Related Paper No. 6.2*, p. 88

³ *The Age*, 3 January 1991

sake and because it is a major incentive for tourist visits. Importantly, this has clearly become a central conviction of the tourist industry.

7.4 The industry itself has taken steps to ensure that environmental considerations are taken into full account. The Australian Tourism Industry Association (ATIA) established its own environment committee in 1989 and a *Code of Environmental Practice* was produced in July 1990, as was the document *Environmental Guidelines for Tourist Developments*. The reasons for the ATIA taking these steps are perhaps twofold. First, a concern to maintain a sustainable industry: significant environmental damage will reduce the attraction of tourist sites with a consequent reduction in tourist numbers. Secondly, however, ATIA must be attempting to maximise the reputation of tourism as an ecologically responsible industry. The *Guidelines* document sets out these objectives as follows:

It seems self-evident that it is in the tourism industry's interest to ensure that such resources are managed in a manner which protects their intrinsic values. Regrettably, the logic of this self-interest has not always prevailed. One result of this has been the growth of a negative image of the industry in certain sections of the community.⁴

7.5 With regard to the second objective, the ATIA has enjoyed some success. At a conference in Brisbane on 6 December 1990, the vice-president of the Australian Conservation Foundation (ACF), Ms K. Robinson, stated that the industry was moving in the right direction although it had yet to come to terms with some fundamental issues. The ACF would like to see the ATIA Code of Practice preclude large-scale tourism development in national parks.⁵

⁴ The Australian Tourism Industry Association, *Environmental Guidelines for Tourist Developments*, p. 2

⁵ *The Australian*, 7 December 1990

The ATIA Code of Environmental Practice

7.6 The ATIA *Code of Environmental Practice* (CEP) adopts as its definition of 'environment' that used by the *Environment Protection (Impact of Proposals) Act 1974* (s. 3):

... all aspects of the surrounding of human beings, whether affecting human beings as individuals or in social groupings.

It utilises the Brundtland Report for its definition of 'environmentally sustainable':

development which meets the needs of the present without compromising the ability of future generations to meet their [own] needs.⁶

And it employs the World Conservation Strategy definition of 'development':

the modification of the biosphere and the application of human, financial, living and non-living resources to satisfy human needs and improve the quality of human life.⁷

7.7 The CEP, which was developed for the ATIA by an independent advisory committee, states:

Because Australia's unique resources are key assets to the tourism industry, the Australian Tourism Industry Association affirms the following code:

⁶ Brundtland Report - The World Commission on Environment and Development, *Our Common Future*, Oxford University Press, UK, 1987, p. 43

⁷ IUCN-UNEP-WWF, *World Conservation Strategy: Living Resource Conservation for Sustainable Development*, 1980, p. 2

Philosophy

- . To recognise both development and conservation as important and valuable expressions of human utilisation of the environment.
- . To recognise tourism as legitimate and valuable resource utilisation.
- . To work towards an improved understanding of the allocation process of land and other resources and establish uniform environmental policy guidelines for the tourism industry.
- . To support local regional and national planning concepts and participate in the associated processes.
- . To work towards the highest level of professionalism in the industry.

Assessment

- . To develop an appreciation of the land and an understanding of its capabilities to support alternative uses in order to establish a basis for environmentally sustainable activities.
- . To ensure assessment processes recognise individual and cumulative implications of each activity.
- . To establish and apply methods to enhance beneficial and minimise adverse effects on the environment.
- . To assess actual and potential effects on the environment from individual tourist development and use which may positively or negatively affect aspects of the environment.

Protection

In co-operation with relevant agencies help:

- . To review private sector tourism infrastructure environmental management and modify such management where necessary.
- . To contribute towards protection and management of those irreplaceable segments of the natural and created environment on which the industry relies and to review and modify protection management activities where necessary.
- . To protect and preserve existing habitat flora and fauna and natural and cultural areas of local, national or international significance directly related to and involved with tourism development and use.

Responsibility

. To accept responsibility for the enterprise related environmental impacts of tourism development, operation and use and to undertake responsible corrective and remedial action where necessary.

. To ensure that natural ecosystems are not used beyond their sustainable capability by the activities of the tourism industry.

. To take account, where appropriate, of environmental policies and codes of environmental practice in developing tourism proposals, including the incorporation of such policies and codes in contract documents.

. To co-operate with relevant authorities and communities in order to integrate environmental requirements into tourism management and land use processes.

Information

. To incorporate environmental policy and codes of environmental practice within tourism training programs.

. To ensure all involved in tourism, both directly and indirectly, have the opportunity to develop a sound knowledge of the natural resources and environmental principles associated with a sustainable tourism industry.

. To support the inclusion of conservation principles in education, training and planning for tourism.

. To enhance visitors' appreciation and understanding of their surroundings within the conservation objectives for the area.

Public Interest

. To consider the value of other legitimate developments and utilisations and respect those values in making decisions for tourism development and utilisation.

. To participate in and facilitate positive discussions on tourism related land utilisation issues.⁸

7.8 The Chief Executive of the ATIA, Mr Peter O'Clery, informed the Committee of the background against which the ATIA devised its *Environmental*

⁸ Australian Tourism Industry Association, *Code of Environmental Practice*, 1990

Guidelines and Code of Environmental Practice. Sixty per cent of submissions to the IAC travel and tourism inquiry were opposed to or concerned with particular tourist developments; Mr O'Clery stated that, accordingly, the ATIA had commissioned work to examine the contributions made by the industry both to the environment and to culture. Further, the ATIA also convened a seminar in late 1989 specifically to respond to the IAC's *Discussion Paper No. 1*:

That group included town-planners, academics and others. It formed the basis of what we then established as an environmental advisory panel to the industry. In that panel we brought together a number of people who had a lot of experience with the professional management and research of environmental and conservation issues but had very little experience in tourism, and a number of people in the tourism sector who had very little experience of the other issues. Bringing them together proved very useful for both parties.⁹

Mr O'Clery informed the Committee that this seminar led to the development of the ATIA's *Code of Environmental Practice*. The ATIA then proceeded to develop some other documentation which would take those broad principles further and assist specific sectors. The first publication has been the *Environmental Guidelines for Tourist Developments* in August 1990.

The ATIA Environmental Guidelines for Tourist Developments

7.9 The ATIA's *Environmental Guidelines for Tourist Developments* are comprehensive and enlightened. For example, in evidence, the Director of the Australian Institute of Marine Science, Dr J. Baker, advised the Committee that reference should be made to environmental factors at the concept stage of developments prior to detailed design. The *Guidelines* conform with that advice in the first point as follows:

⁹ *Evidence*, p. 223

Recommended Steps

To follow the precepts of the Code of Environmental Practice for the Tourism Industry, the planning, construction and management of tourism related developments should include the following steps:

- . Take into account environmental issues at the earliest stages of the planning process (i.e. when considering project feasibility).

7.10

The remaining steps of the *Guidelines* are:

- . Comply with applicable Commonwealth and State legislation and regulations for protecting the environment.
- . In the absence of specific regulation, adopt the best practicable means to minimise and ameliorate adverse impacts on the environment.
- . Consult with appropriate government agencies and relevant community groups so as to facilitate effective liaison with government and non-government bodies.
- . Assess the regional and local environment of the intended development, identify areas of high environmental sensitivity and adopt strategies, including alternatives, to avoid or protect such areas.
- . Assess the impact of the intended development in terms of its social effects on the local community, particularly where indigenous population is involved, and adopt measures to mitigate any adverse impacts.
- . Design facilities to complement environmental features and to avoid overtaxing the capacity of the environment to absorb impacts.
- . Where environmental impacts are unavoidable, design, construct and operate all facilities so as to minimise adverse environmental effects.

- . Where appropriate, and following consultation with relevant authorities, prepare an environmental management plan to cover the operational phase of a project.
- . Monitor environmental effects and audit environmental performance during the construction and operational phases of a project.
- . Provide adequate training to enable employees to recognise the potential implications of their activities and be to [sic] equipped and motivated to act in an environmentally responsible manner.¹⁰

7.11 The Committee endorses the concepts contained in these *Recommended Steps* and considers that adherence to them could facilitate environmental conservation at a desirable level while permitting economically viable tourist development. The ATIA, for its part, has indicated to the Committee that the process of consultation concerning the industry's interaction with the environment is continuing. Mr O'Clery stated that the ATIA was proceeding with workshops nationwide to further develop awareness of the *Environmental Code*. Further, the ATIA was discussing with the industry the development of additional support information.¹¹ In addition, the ATIA has committed funds for research across economic and environmental matters; Mr O'Clery advised that during 1989 the ATIA committed more than \$300,000 to such research.¹²

7.12 That said, it should be noted that the approach of the ATIA is largely one of self-regulation, albeit resting on its own recommendation that tourism developments comply with applicable Commonwealth and State legislation and regulations. The Committee notes the assurance of the ATIA Chairman, Sir Frank Moore that:

¹⁰ *Environmental Guidelines for Tourist Developments*, p.1

¹¹ *Evidence*, p. 224

¹² *Evidence*, p. 225

we are exhorting the industry, in a practical commonsense way, to be responsible.¹³

7.13 Importantly, on the Chairman's admission, it took the ATIA 'about five years' to get environmental issues onto the agenda of the tourism industry. The Committee expects the ATIA to enjoy better success than that in its exhortation to the industry to be environmentally responsible.

Self-Regulation and Planning Controls

7.14 One major issue confronting the ATIA program is that self-regulation probably will be successful only to the extent that it relies on consistent and comprehensive legislation. The IAC Report advised that several participants in its inquiry, including Professor Buckley of Bond University, said that self-regulation works only within a framework of environmental constraints dictated by legislation.¹⁴

7.15 The ATIA appears to share this view in that the second point of its self-regulatory recommendations requires developers to comply with legislation and regulations. Both Professor Buckley and the ATIA may hold the view that a thoroughgoing self-regulatory regime alone could not deliver the kinds of results that are being sought under the ATIA's *Environmental Guidelines*.

7.16 The Committee believes that the combination of legislation and self-regulation is preferable to either on its own for the conservation of the environment in the proximity of tourism developments. Self-regulation alone has proven to be an ineffective policy in a range of activities; it is no more likely to be successful for regulating tourism developments. By the same token, however, if legislation and regulations are to have the maximum benefit, they need the willing support of those

¹³ *Evidence*, p. 227

¹⁴ *Travel and Tourism*, p. 166

subject to them. For example, as already noted, in order to achieve comprehensive environmental assessment, the Committee has been advised that such matters should be reviewed from the outset of a proposed tourist development. The Director of the Australian Institute of Marine Science advised that the ideal situation would be that the Institute be consulted at the very time that a developer is considering a tourist development.¹⁵ It may not be possible to guarantee that by legislation, in which case voluntary responsible compliance is needed. The IAC report commented on the operation of self-regulation and legislation on this point. That report stated that such mechanisms may have the effect of focusing the attention of developers on environmental issues at an earlier stage of the planning process.¹⁶

7.17 There is a second major difficulty that confronts the ATIA's policy on tourism developments. It concerns the fact that, even where developers conscientiously seek to comply with legal requirements, they can be faced with differing requirements between each State and Territory. Mr O'Clery, ATIA's Chief Executive, stated that there were differences in planning controls:

I think you will find that they are gradually coming together, but, yes, there are differences and they do cause problems from time to time.¹⁷

7.18 In recognition of this problem, the Commonwealth agreed at the Tourism Ministers' Council in October 1988 to prepare draft environmental guidelines for tourism developments to assist the States and Territories in identifying their own requirements:

The work is being conducted in consultation with the States' and Territories' tourism and environmental authorities, local governments, the tourism industry,

¹⁵ *Evidence*, pp. 1148-9

¹⁶ *Travel and Tourism*, p. 166

¹⁷ *Evidence*, p. 232

developers and conservation organisations to ensure that all interests and areas of expertise are considered.¹⁸

7.19 However, DASETT has advised that development of the national environmental guidelines has been delayed:

At the September 1990 meeting of the Australian Standing Committee on Tourism (ASCOT), members noted that since the Commonwealth had raised the need for environmental guidelines for tourism developments, the majority of States and Territories had either introduced or were currently developing their own environmental guidelines; the Australian Tourism Industry Association had developed a Code of Environmental Practice for the industry; and the Commonwealth Government had established nine sectoral working groups (including tourism) to address the issue of ESD.

Based on advice from ASCOT, and given the expectation that the Tourism Working Group on ESD would be examining the links between tourism and the environment in some detail (including the need for environmental guidelines), the Tourist [sic] Ministers' Council agreed in October 1990 that further consideration of the draft national environmental guidelines for tourism development should be deferred until the Tourism Working Group had completed its deliberations.¹⁹

7.20 The Ecologically Sustainable Development Working Groups reported in November 1991. *The Australian*, on 3 December 1991, quoted Prime Minister Hawke as saying that the Government would produce an initial national strategy by the middle of 1992. The National Tourism Strategy, *Tourism Australia's Passport to Growth*, was released in June 1992.

¹⁸ *Our Country Our Future*, p. 59

¹⁹ *Letter to Committee*, 26 November 1991

The Commonwealth Government

Changes to the Tourism Portfolio

7.21 Significant changes have taken place recently in the relation to the Federal tourism portfolio. In December 1991, the Department of Tourism was established separately from the Department of the Arts, Sport, the Environment, Tourism and Territories. The Hon. Alan Griffiths became the responsible Minister. This indicates an important shift in Government perspectives about the relationship between tourism and the environment and resource issues. It could be argued that a separate Department of Tourism signifies recognition of the importance of tourism to Australia. Indeed, the allocation of an additional sum of money to the Department to facilitate the promotion of tourism abroad supports this contention.

7.22 It is also notable that the environment and tourism portfolios no longer fall under one Minister. Given changing community attitudes about the balance to be found between tourist developments and the environment this is an important change. At the Committee's public hearing on 3 December 1990, the following exchange took place:

Chairman - That leads me to my last question. What conflict is there in the Department between your tourism hat and your environment hat?

...

Mr Bellchambers - The Commonwealth in general has a whole diverse range of issues. It is not unknown for departments with different interests to be approaching things from different angles. I mean, what government is about, and what our Department is about in this area, is trying to get some consensus on these things...

I have actually been through both systems prior to and after our amalgamation, and I think there are probably advantages and disadvantages. It certainly enables both sides to get a better understanding of the other point of view. Given that the environment issues is certainly of growing importance in the tourism industry, I agree in that sense it is an advantages for us to be in the same department.²⁰

7.23 While there may have been some advantages in the combination of Tourism and the Environment within one portfolio, clearly there were other advantages in their separation. There is no reason to believe that the balancing of these issues will suffer now that they belong to separate portfolios. Since 1989 the Federal Government has taken initiatives which will affect tourist developments and the maintenance of an acceptable balance between these developments and the environment. Two such major initiatives are:

- the Ecologically Sustainable Development Working Groups; and
- the development of the Environment Protection Agency.

Ecologically Sustainable Development Working Groups

7.24 In the Introduction to the Commonwealth's July 1991 position paper *Proposed Commonwealth Environment Protection Agency*, it was stated that:

Improved environment protection arrangements are fundamental for the achievement of ecologically sustainable development (ESD). The working groups currently investigating the implementation of ESD principles are due to report later this year. The Government believes it is important to have in place as soon as possible the machinery that will be needed to

²⁰ Evidence, pp. 89-91

give best effect to Government decisions arising from the working groups' recommendations.²¹

7.25 In November 1991 the Ecologically Sustainable Development Working Groups released the Final Report on Tourism. The report summarises the ESD principles which apply directly to tourism:

Improvement in material and non-material well-being

An ecologically sustainable tourism industry will be one which considers carefully the quality of experiences offered, as well as simply numerical outcomes, such as numbers of visitors. A difficulty here is finding appropriate measures of quality.

Intergenerational and intragenerational equity

An ecologically sustainable tourism industry would not diminish the range of educational, recreational and environmental activities available to present or future generations, in accordance with the principle of intergenerational equity. Species diversity and ecosystem integrity cannot be replaced or substituted, and it is therefore inappropriate to design tourism developments which threatens [sic] these values. Further, tourism ventures should deal cautiously with risk and proposals involving high levels of environmental risk should not proceed.

Within the tourism industry some social equity problems can be avoided by expanding the opportunity for, and use of community participation in decision-making processes.

The protection of biological diversity and the maintenance of ecological processes and systems

Tourism development should occur in such a way which maintains biodiversity and supports the maintenance of ecological processes. Any tourism development should be of such a kind that it enables the ecosystem to continue providing the full range of functions, thus maintaining

²¹ *Proposed Commonwealth Environment Protection Agency, July 1991, p. 1*

the capacity to adapt to any subsequent environmental changes.

The global dimension

Global aspects of ESD include issues of trade and of international obligations, including global environmental issues such as climate change. An ecologically sustainable tourism industry ought not to contribute towards unsustainable activities in other countries.²²

7.26 The report states that:

The characteristics of ecologically sustainable tourism can be studied from several aspects. The major considerations relate firstly to the desirable qualities of tourism resorts or more general tourism developments and, secondly, to the management of the impacts which individual tourists or groups make when visiting a site.²³

It suggests that tourism will move towards ecological sustainability if it:

- develops in accordance with the wisest use of environmental resources and services at the national, regional and local levels;
- operates within the biological limits of natural resource use;
- maintains a full range of recreational, educational and cultural opportunities across generations;
- maintains biodiversity and ecological systems and processes; and
- develops in a manner which does not compromise the capacity of other sectors of the economy to achieve ecological sustainability.²⁴

²² Ecologically Sustainable Development Working Groups *Final Report - Tourism*, 1991, p. xxi

²³ *Final Report - Tourism*, p. xxii

²⁴ *Final Report - Tourism*, pp. 41-2

The position paper claimed that the goal is to identify the characteristics of a tourism industry that meet these criteria and at the same time continue to develop and maintain strong economic viability.

7.27 The Working Group has developed a range of policy recommendations; it has also prescribed possible actions for the industry and the community.²⁵ The final report argued that if tourism is to develop in an ecologically sustainable way, the current political and institutional fragmentation existing in land-use planning will need to be overcome. The Working Group believes that the inadequacy of the current planning process can be overcome by the development of a system of regional land-use planning. Recognising that most State and Territories already have active regional planning programs the Working Group suggests that regional plans should be seen as instruments by which conservation and development objectives are integrated.²⁶

7.28 The Working Group has expressed the view that a significant number of inappropriate aspects of tourism developments currently in existence can be traced to inadequacies in planning and approval procedures.²⁷ The Working Group's final report recommended a regional approach to planning and development, and a supporting framework of strategic tourism plans. A national strategy could also fulfil this recommendation.

7.29 The Working Group has also made a number of recommendations to improve the environmental impact assessment (EIA) procedures. It supports the concept of national EIA guidelines and notes the work in this area by a Working Party of the Australian and New Zealand Environment and Conservation Council. The Working Group has recommended a whole systems approach for EIA

²⁵ *Final Report - Tourism*, p. 98

²⁶ *Final Report - Tourism*, p. 99

²⁷ *Ecologically Sustainable Development Working Groups Draft Report - Tourism*, August 1991, p. 108

(integrating space and time), defining triggering processes more clearly, involving public participation, and specifying ownership of the EIA procedures.²⁸

7.30 The Working Group also considers that there are both structural and operational weaknesses in the current environmental impact assessment (EIA) system which impede moves to achieve ESD.²⁹ The Working Group has argued that the existing administrative structure is complex, leads to inconsistency in standards and leaves too much decision-making in the hands of local government with the need for consultation across a range of other government agencies. (See also Chapter 11 of this report, paras. 11.30 to 11.34)

7.31 Further, the Working Group has recommended the development of strategic tourism plans by State and Territory Government in collaboration with Local Government and tourism industry bodies.³⁰ It is envisaged that the regional planning process would identify ecologically appropriate areas for tourism use and development while the strategic tourism plans would facilitate industry development with regional ESD objectives and constraints.³¹ Recognising that many of Australia's protected areas are important tourist destinations as well as having a nature conservation role, the Working Group has also recommended that a national system of protected areas be defined by 1994 and be fully operational within ten years.³²

7.32 Adequate provision and maintenance of infrastructure, particularly in environmentally sensitive areas, is considered by the Working Group to be critical to the development of an ecologically sustainable tourism industry. The Working Group has therefore recommended that the assessment of the infrastructure needs

²⁸ *Final Report - Tourism*, pp. 102-4

²⁹ *Final Report - Tourism*, p. 79

³⁰ *Final Report - Tourism*, p. 105

³¹ *Final Report - Tourism*, p. 105

³² *Final Report - Tourism*, p. 106

of the tourism industry also be made in the context of integrated regional land-use plans.³³

7.33 Education and training recommendations by the Working Group include the provision of codes of conduct for developers and operators, measures to improve awareness among tourists themselves, and the education of host communities to lead to more informed attitudes towards tourism and tourists. In regard to indigenous people, the Working Group recommended measures that recognise the fragility of indigenous cultural experiences and products and take account of the diversity of Aboriginal people. Such measures include obtaining improved market information and research and training programs.³⁴

7.34 The Australian Tourist Commission (and its State and Territory counterparts) are considered by the Working Group to have a critical leadership role in the process of educating tourists, by reinforcing the need for environmental awareness and impact minimisation programs in their marketing and promotion programs. The Working Group has therefore recommended that tourists be made aware of a code of behaviour based on the ESD principles.³⁵

7.35 The final report states that the industry needs to take the leading role in the development and implementation of codes of environmental practice for all its component parts. Ongoing review and revision of such codes would be consistent with the principle of industry self-regulation.³⁶ The Working Group has consequently recommended that industry codes of environmental practice continue to be developed, implemented and revised and that industry performance in implementing such codes be audited.

³³ *Final Report - Tourism*, p. 114

³⁴ *Final Report - Tourism*, pp. 110-113

³⁵ *Final Report - Tourism*, p. 121

³⁶ *Final Report - Tourism*, p. 116

7.36 As a general principle, the Working Group prefers regulatory controls which are framed in terms of performance criteria and it supports the use of non-compliance penalties and performance bonds.³⁷ As a result, the Working Group has recommended that penalties for non-compliance with environmental regulation be related to the environmental damage caused by the infringement and that performance bonds of identified duration be a condition of development approval in cases where there is a risk of unacceptable damage.³⁸

7.37 The Working Group is convinced of the need for a substantial expansion of research to support an ecologically sustainable tourism industry. It has recommended additional funds be allocated to the BTR and other research organisations to strengthen strategic research. In this regard, it has also recommended that the tourism industry provide funding to support additional work on the nature and structure of the industry and for the development of models which include economic linkages within the industry and between tourism and other industries.³⁹ Further, as a matter of urgency, an independent wide-ranging inquiry into the funding and organisation of tourism related research and its capacity to meet the needs of ESD has been recommended by the Working Group.⁴⁰

Environmental Guidelines

7.38 In 1988 the Tourism Ministers' Council agreed to prepare draft environmental guidelines for tourist developments to assist States identify their requirements. In September 1990 the Australian Standing Committee on Tourism noted moves by States to develop guidelines, the ATIA's development of a Code of Environmental Practice and that the Commonwealth had established an ESD Working Group on Tourism. Accordingly, in October 1990 the Tourism Minister's

³⁷ *Final Report - Tourism*, p. 118

³⁸ *Final Report - Tourism*, pp. 118-19

³⁹ *Final Report - Tourism*, p. 128

⁴⁰ *Final Report - Tourism*, p. 129

Council agreed that further consideration of guidelines for tourism developments would await the ESD Groups' report. That report was issued in November 1991 and DASETT advised that the recommendations will be considered by ASCOT and the Tourism Ministers' Council in 1992.⁴¹

7.39 Some guidance about the development of environmental *guidelines* can be drawn from the recommendations of the final report of the ESD Working Groups. These include:

- the development of a system of land-use planning (Recommendation 2) and the assessment of infrastructure needs against such plans (Recommendation 13);
- the extension of EIA to apply to all proposed developments and to include social and cultural impacts (Recommendation 3);
- the development of a national representative system of protected areas, to be fully operational by 2001 (Recommendation 6);
- the provision of adequate funding to manage protected areas (Recommendation 7);
- the recognition of the views of indigenous people (Recommendations 8,9,10 and 11); and
- the giving of priority to tourism development at previously developed sites (Recommendation 16).

7.40 Nevertheless, for the purpose of devising *guidelines* for tourist developments, the ESD recommendations are neither comprehensive nor specific. In

⁴¹ *Letter to the Committee, 26 November 1991*

fact, the Working Groups' Final Report advocates the development of environmental guidelines in the recommendations as follows:

- 'that national guidelines on the application of EIA be developed and ratified in the appropriate intergovernmental agreement' [Recommendation 3(e)];
- 'that industry codes of environmental practice continue to be developed, implemented and reviewed and that industry performance in implementing such codes be audited' [Recommendation 14 (a)]; and
- 'that Commonwealth, State and Territory Ministers responsible for local government matters develop policies and programs for implementing ESD across all areas of local government administration, including tourism development and promotion' [Recommendation 20 (b)].

7.41 The Committee considers that the three tiers of government in Australia should finalise promptly environmental guidelines for the tourist industry. This is the case not only because the defining of such standards should not be left to the industry (however environmentally conscientious), but also because government at each tier is in fact engaged in the approval processes for tourist developments.

7.42 While the ATIA has published its *Environmental Guidelines for Tourist Developments*, there is now an urgent need for the Commonwealth to take up the task acknowledged at the Tourism Ministers' Council in 1988 - the drafting of environmental guidelines for consideration by the States and incorporation in the proposed Intergovernmental Agreement on the Environment. The ESD process has not significantly progressed that matter and it must be a priority task for the Federal Minister. The completion of the task should result in policy prescriptions central to the kinds of concerns about the environment and development that were expressed to this Committee. For example, one witness suggested a set of

recommendations for managing coastal problems; Councillor Hanigan of Broome Shire presented the Committee with the following advice:

The natural environment is the resources base from which the Broome and Kimberley tourist industry draws. In recognition of this I make the following recommendations: one, the enactment of Federal legislation for the coastline management protection; secondly, the implementation of an effective administrative structure and the development of policies that will ensure proper management and protection of the coastal zone; thirdly, the adoption of the concept of the regional coastal management committees to permit local participation in environmental planning decision making; fourthly, the establishment of enforceable Federal policies to protect and manage the coastal zones which should include reefs and off-shore waters, mangroves and tidal flats, beach systems, coastal dunes and direct hinterlands; fifthly, and this is my final recommendation, the assumption of wider legislative powers by the Federal Government in relation to the coastal environment which would permit an Australia-wide uniformity in coastal management.⁴²

An Environment Protection Agency

7.43 In February 1991, the Commonwealth Minister responsible for the environment, the Hon. Ros Kelly, set a deadline of the Federal Budget 1991 for the establishment of an Environment Protection Agency (EPA). An EPA would be charged with setting and monitoring uniform national environmental standards.

'I hope we'll be able to get a positive response from the States. If we don't, of course we'll have to look at whatever powers we have to establish this as a Federal body.'⁴³

⁴² *Evidence*, p. 1357

⁴³ The Hon. Ros Kelly, *Press Release*, 17 February 1991

Mrs Kelly's proposal was not met with complete support from State Governments. It was reported in *The Australian* on 20 February 1991 that the Queensland Premier, Mr Goss had said he did not 'support or accept' the proposal by Mrs Kelly to establish what the newspaper described as 'a joint Commonwealth-State environment protection agency'.

7.44 In July 1991, Mrs Kelly released a position paper entitled *Proposed Commonwealth Environmental Protection Agency* for public comment. In the forward to the paper Mrs Kelly stated that:

This position paper outlines the role, structure and functions suggested for the Commonwealth's EPA. It also advances a proposal for co-operative arrangements with State and Territory Governments which would lead to the setting of truly national environmental quality standards.

7.45 The paper outlines six major principles comprising the basis of an interdisciplinary and integrated approach to the avoidance of pollution and waste, and the further deterioration in Australia's stock of natural, cultural and aesthetic assets. The principles are:

- priorities for action should be based on the degree of risk to the environment and resource allocations by government should also ideally be compatible with risk;
- environmental management should be based on a co-operative and value-added approach;
- emphasis should be placed on establishing national standards, better processes for the impact assessment and approvals, and on encouragement and assistance to develop satisfactory industry and consumer behaviour;

- the aim must be better management of the environment to avoid the need for more regulation once problems have emerged;
- recognition of the relevance of financial and economic issues, legislation and legal needs, human resource issues; and
- a direct relationship with scientific research and planning.⁴⁴

During her speech at the release of the position paper, Mrs Kelly summarised the areas in which the Agency will have a role:

... the EPA will have a role in research, data, in state of the environment reporting, in monitoring and in the development of standards, in environmental assessment, and in education and information.⁴⁵

7.46 The proposed emphasis of the EPA, then, is on research programs, the establishment of national standards, better processes for assessment and approvals, and encouragement and assistance with the development of satisfactory industry and consumer behaviour. The paper states that a new Commonwealth agency will be created during the 1991-92 financial year and reach its full operational capacity the following year. It was intended that the agency would initially be part of DASET and then become an independent statutory authority. The position paper stated that the Government intended to introduce legislation to provide for the Agency.⁴⁶

7.47 In acknowledging the role of the State and Territory Governments, Mrs Kelly also foreshadowed the establishment of a Ministerial Council, chaired by the Commonwealth, representing all State and Territory Governments. Mrs Kelly said this body would have the job of setting and agreeing to standards:

⁴⁴ *Proposed Commonwealth Environmental Protection Agency*, p. iii

⁴⁵ Speech by the Hon. Ros Kelly, 31 July 1991, p. 8

⁴⁶ *Proposed Commonwealth Environmental Protection Agency*, pp. 10-11

It will operate on a simple majority basis so that standards agreed to are not the lowest common denominator and will be in place by May 1992.

We do not intend that the EPA will become involved in enforcement of standards: that will be the job of the state EPA's.⁴⁷

7.48 It is important to note that this second phase of the EPA program would be part of the Intergovernmental Agreement that is referred to in the ESD Tourism Working Group's Recommendation 3(e) where it is advocated that guidelines on the application of EIA be developed and ratified in such an agreement.

7.49 This Committee was concerned to monitor progress in the establishment of the EPA, and wrote to the Acting Secretary of DASET, Dr I. McPhail. Dr McPhail confirmed that the CEPA has not yet been established as an independent statutory authority:

There is no timetable for the development of legislation for CEPA. CEPA has been established as an Agency of the Department of the Arts, Sport, the Environment and Territories, and will continue to exist in this form.⁴⁸

This contrasts with the position paper statement that legislation will be introduced for the Agency to become an independent statutory authority. Further, Dr McPhail stated:

Following Cabinet's August 1991 decision to establish the CEPA processes were undertaken to set up an organisational structure for the new Agency and to fill that structure through the merit selection process.

The organisational structure was agreed in November, with advertising of the resultant vacant positions in

⁴⁷ Speech by the Hon. Ros Kelly, 31 July 1991, p. 9

⁴⁸ *Ibid.*

December. My appointment as Executive Director, and head of the Agency, took effect on 24 February 1992. The selection process for other vacancies followed with the majority of interviews now complete⁴⁹.

Recommendations

7.50 That the EPA become operational as a matter of urgency.

7.51 That draft environmental guidelines for tourism developments be finalised by the Environment Protection Agency by the end of 1992 for ratification at the earliest possible date under the Intergovernmental Agreement on the Environment.

⁴⁹ *Letter to Committee, 5 August 1992.*