

The role of the ACT Commissioner for the Environment, and the potential of State of the Environment (SoE) Reports

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Introduction

The Commissioner for the Environment in the ACT is fortunate in several ways. The role of the Commissioner is clearly defined in legislation; "Environment" is defined in that legislation (*The Commissioner for the Environment Act 1993*), and the *Environment Protection Act 1997*; the SoE Reports may be accompanied by recommendations, and the Minister is obliged to place those recommendations with the Report before the Assembly. The ACT Government is required to respond to the recommendations within 6 months of the tabling of the Report; the Commissioner comments on progress with recommendations in each subsequent SoE Report, and in each Annual Report. The Commissioner may also initiate investigations on issues that the Commissioner believes may require consideration, and produce reports on these investigations. (The Minister may also require the Commissioner to conduct investigations.) Additionally the Commissioner acts as Environmental Ombudsman for the ACT.

The ACT is located within the outer boundaries of the State of New South Wales (NSW), and is surrounded by NSW local government Authorities (LGAs). Seventeen of those LGAs have combined in a "voluntary" organisation to advance regional identity and well-being. They operate through a Regional Leaders forum (RLF), which has asked the Commissioner to produce a Regional State of the Environment Report for this Australian Capital Region, effectively at the same time as the ACT SoE Report is produced.

These reports are now planned to be produced once in the life of each elected government - in practice about once every 3 to 3½ years. The ACT SoE Reports have been produced in 1994, 1995 and 1997. The next is due November 2000. The first Regional SoE Report was produced in 1997 and published on interactive CD - ROM, with a hard copy Executive Summary. The next Regional report is due also in November 2000.

Work on these Reports is well advanced and the CD-ROM for the 1997 Report will be available for illustration at the Conference.

The Role of the Commissioner

The Commissioner has the following functions;

Investigations

- investigate complaints regarding the management of the environment by the Territory or a Territory authority;
- conducting investigations as may be directed by the Minister;

- conducting investigations, initiated by the Commissioner into actions of an agency where these actions would have a substantial impact on the environment of the Territory

Reports

- State of the Environment Report
- Annual Report
- Special reports (to the Minister)

The Commissioner is not authorized to investigate action taken by-

- a Judge or the Master of the Supreme Court;
- a Magistrate or Coroner for the Territory;
- a Royal Commission under the *Royal Commissions Act 1991*;
- a Board of inquiry under the *Inquiries Act 1991*;
- a panel conducting an Inquiry under the *Land (Planning and Environment) Act 1991*; or
- the Ombudsman

In addition to the specific powers provided by this Act, the Commissioner has such powers as are necessary and convenient for the performance of his or her functions.

ACT Definition of the Environment

ACT Environment Protection Act 1997, "environment (in the Interpretation section) means each of the following: (quote)

- (a) the components of the earth, including soil, the atmosphere and water;
- (b) any organic or inorganic matter and any living organism;
- (c) human made or modified structures and areas;
- (d) ecosystems and their constituent parts, including people and communities;
- (e) the qualities and characteristics of places and areas that contribute to their biological diversity and ecological integrity, scientific value, and amenity;
- (f) the interactions and interdependencies within and between things mentioned in paragraphs (a) to (e) (inclusive);
- (g) the social, aesthetic, cultural and economic conditions that affect, or are affected by, the things mentioned in paragraphs (a) to (e) (inclusive); (end quote).

Analysing the outputs of SoE Reporting on the ACT

One can represent in diagrammatic form, the minimum output that one could expect from the ACT SoE Reports (figure 1.), being derived from each component of the definition of the Environment.

However, there is the potential for a much more significant output if one has the resources and the initiative to realise the potential of the information brought together, and analyzed in the SoE Reporting process.

Figure 2 represents an "Ideal Output" from SoE Reporting and that is more in line with the objective we seek to achieve.

There is another way that one can represented the complexity of overlaying the different components of the definition of the Environment in the ACT.

Developing Indicators

The staff of the office of the Commissioner for the Environment ACT is small in numbers. Canberra, is the major city of the ACT, and the National Capital. Its population has a rich diversity of skills, qualifications, abilities and interests. We find the same characteristics in a high percentage of the population of the Australian Capital Region.

Based on these characteristics we have been able to attract a significant amount of community interest, and the commitment of more than 50 people who have helped us by serving on Reference Groups. These groups have assisted in the development of appropriate Indicators against which the condition of the Environment is assessed, the pressures which may be affecting changes in that condition and to observe on propose responses which may reduce any adverse impacts of those assumed pressures are observed or proposed, on the condition of the environment.

In this way we have developed a highly interactive adaptation of the O.E.C.D Pressure - State - Response model. The dynamic approach of critically evaluating the process to understand the contribution of both assumed pressures and community responses to change in the condition of the environment, helps to provide a set of information which is in an ideal format to genetic holistic Management Plans for governments.

In our 2000 SoE Report we will also add a chapter "Towards Sustainability" and we are currently developing Indicators for that chapter.

The Indicators for the SoE Reports have been developed over the period from 1994 to the present, and are progressively reassessed for relevance and long term usefulness.

Based on the definition of the Environment, we have developed Indicators on the basis of the major factors of environmental concern, that have been identified by community groups, industry and government. We simply asked people what they talked about when they discussed "the environment."

On this basis, we were able to group the major points of discussion into 5 major groups (or Themes). There are

- Atmosphere
- Land
- Water
- Biodiversity
- Human population

Then under each Theme we asked people what were the major Issues of concern. The output of that interaction was the following correlation (Table 1)

Atmosphere

- Air quality
- Climate and climatic variability
- Growing season

Land

- Land quality
- Landuse and land capability
- Vegetation management

Biodiversity

- Native species and their ecosystems
- Threats and reasons for change
- Conservation action

Water

- Aquatic ecology
- Water resource use/quality

Human Settlement

- Socio-economic issues
- Physical infrastructure, facilities and services
- Quality of life
- Energy
- Waste

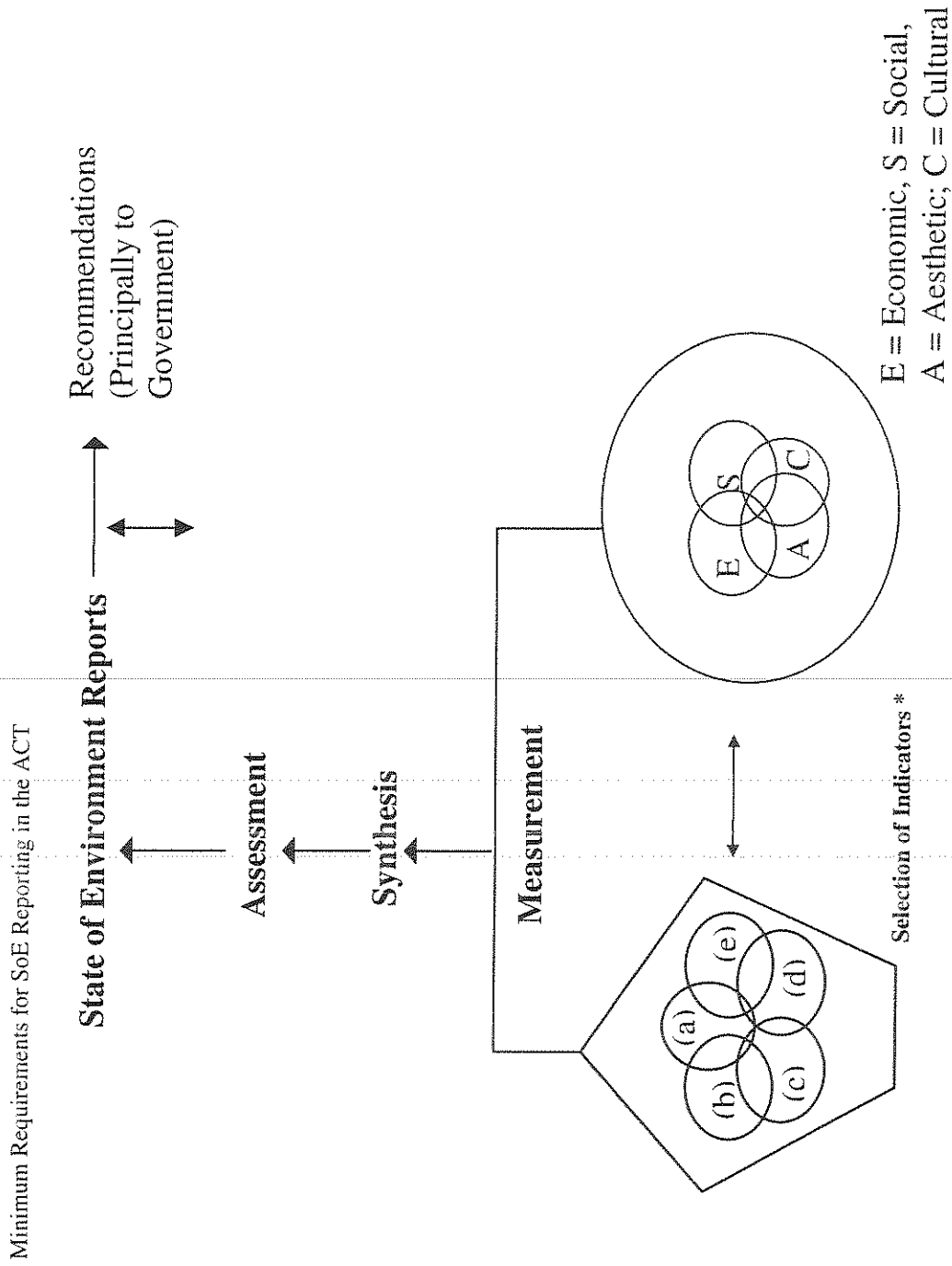
Then with each Issue we identified the Indicators which would be most appropriate to measure, in order to be able to assess change over time.

As mentioned above, in 2000 we will add a chapter Towards Sustainability (the full list of Indicators available for the 2000 Report will be tabled at the December meeting).

Closing Comment

The processes of SoE Reporting, in the case of the ACT, lend themselves to the development of a systematic approach to an understanding of the environment, and to the assimilation of data in a format useful for management planning. We believe they also address the essential factors necessary to assess progress towards sustainable development.

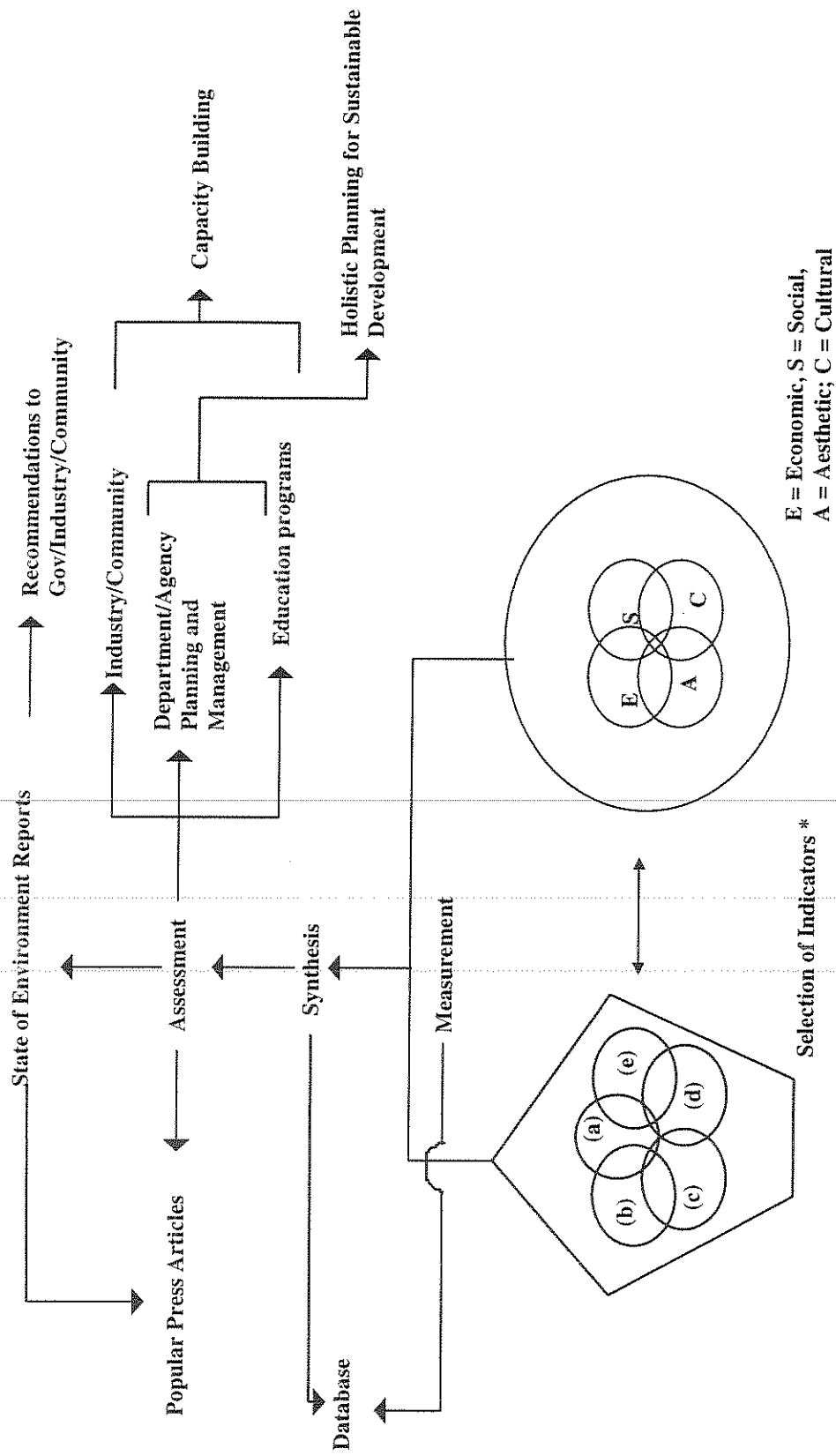
Figure 1



*Indicators may be composite, eg Economic Activity or Specific, eg. Carbon Monoxide Concentration.

Figure 2

The ideal outputs of soE Reports



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Our Environment

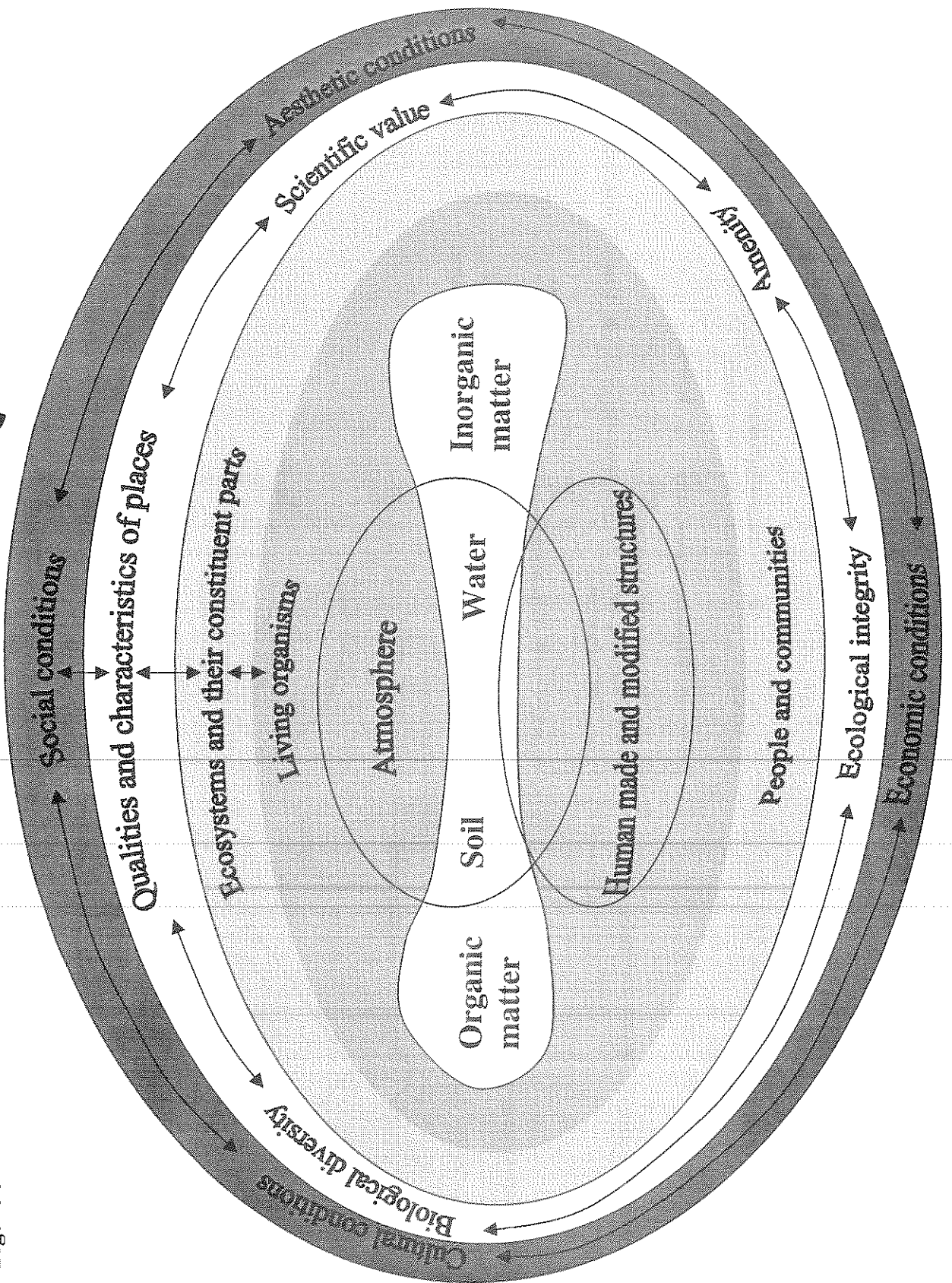


Figure 3