



**Isn't it a pity? Now, isn't it a shame? - Launceston, 3<sup>rd</sup> August, 2012.**

I remind my fellow readers that Tasmania HAD a Department of the Environment, until David Bartlett/Michelle O'Byrne dismantled it. She is still in cabinet. Do I recall correctly that her brother David took the portfolio from her? Now Brian Wightman has it. In these Olympian days, are we meant to celebrate that ours was the first government in the world to abolish a Department of the Environment?

The **Environmental Management and Pollution Control Act 1994** established the EPA. (Environmental Protection Authority).

The Authority consists of the Board and the Director. [ [12. Establishment of Environment Protection Authority](#) & [13. Board of Environment Protection Authority](#) ]

*"The Board must perform such other functions as are conferred on it by or under this Act or any other Act ... The Board may do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions."* [[14. Functions and powers of Board](#)]

*"The functions of the Board are to administer and enforce the provisions of this Act, and in particular, to use its best endeavours – [...] to further the objectives of this Act..."*

*"It is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or to exercise the power in such a manner as to further the objectives set out in [Schedule 1](#)."* [from [8. Objectives to be furthered](#) ]

*"For the purposes of this Act, environmental harm is any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance."* [[5. Environmental harm](#)]

**environmental nuisance** means –**(a)** the emission of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and**(b)** any emission specified in an environment protection policy to be an environmental nuisance; [[3. Interpretation](#)]

So now we know what an environmental harm includes: An unreasonable interference with '*a person's enjoyment of the environment*'.

**5 (5)** For the purposes of this Act, environmental harm is caused by pollution –

**(a)** whether the harm is a direct or indirect result of the pollution; and

**(b)** whether the harm results from the pollution alone or from the combined effects of the pollution and other factors.

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So why does the EPA not prosecute Smoke? We don't need to be lawyers or judges to understand the import of these words. Does the EPA not understand them? See again our beloved Launceston in the above recent pic.