

*As If For
A Thousand Years*

**A HISTORY OF VICTORIA'S LAND
CONSERVATION AND ENVIRONMENT
CONSERVATION COUNCILS**



DANIELLE CLODE

*As If For
A Thousand Years*



In memory of
Hon. William Archibald Borthwick, AM
1924 – 2001

*As If For
A Thousand Years*



Danielle Clode

Victorian Environmental Assessment Council



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Also by Danielle Clode –

Killers in Eden

Continent of Curiosities: A journey through Australian Natural History

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FOREWORD

It is with great pleasure that I write this foreword to the history of the Land Conservation Council (LCC) and its successor body the Environment Conservation Council (ECC). I take particular pleasure in this task because I was appointed one of twelve Councillors on the very first Council back in 1971.

Those who have had an involvement or strong interest in land management in this State would be well aware of the importance to Victoria of the LCC over its 27 year history and the ECC over its four year history. Many others however, would not be aware of the profound importance of the role the Councils played in the changes to the way we perceive and use our land and its resources.

Danielle Clode's book will make this story available to a wide audience and I daresay will also provide a refreshment to many people on some of the difficult land management issues that have been tackled over the last 30 years.

One of the surprises is that a body that served Victoria so well, with bipartisan political support, has not been emulated elsewhere. Many would regard it as somewhat of a pity that a body such as the LCC/ECC is still unique in Australia and, indeed, internationally. Dr Clode's book provides a rare insight to the unique set of social and political circumstances that led to the creation of the LCC and then enabled it to weather all the political and social changes over a period of 30 years.

The story of the organisation that was born out of issues in the Little Desert is fascinating, lively and important, and I commend this book to the people of Victoria.

A handwritten signature in black ink that reads "John Landy". The signature is written in a cursive style with a long horizontal stroke extending to the right.

John Landy, AC, MBE

Governor of Victoria, 2001 – 2006

Land Conservation Council member, 1971 – 1978

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The opportunity to explore the history of the Land Conservation Council and its successor institutions has been immensely enjoyable and I am indebted to all of those whose invaluable assistance ensured its completion.

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Many past and present members of the LCC and ECC assisted in the research required for this book. The time and recollections of the following individuals were invaluable:

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Mr Ian Miles

The Hon Marie Tehan

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The investigation sections provide brief snapshot summaries of each of the investigations carried out by the LCC and ECC. These summaries have been prepared by Simon Ransome, Mick Lumb, Ian Miles, Paul Peake, Joan Phillips and Shane Dwyer.

This book would not have been completed without the support of two people in particular. I am indebted to Shane Dwyer for his ongoing and undiminished enthusiasm for the project and to Simon Ransome for his meticulous historical research and knowledge. This book owes as much to their efforts as it does to mine and I trust their pains to refine my interpretation of their organisation's history have been adequately compensated.

Danielle Clode

Conservation: a concern for the wise use of resources

The fight for land

Victoria's history is littered with disputes over the use of public land. From the earliest settlement struggles to the bloody Eureka stockade, public land use has excited the passions and fury of the general population. The roller-coaster political life of Victoria's first century, in which governments rarely lasted longer than a year or two, is frequently attributed to disputes over public land use (Holmes, 1976). But just as the reign of Sir Henry Bolte brought political stability to Victoria, the divisive Little Desert dispute (which very nearly ended his marathon run as premier) brought relative stability and certainty to the endless debates over public land.

The Land Conservation Council (LCC) was established by the Bolte government in 1971, in an attempt to defuse the controversy over the government's scheme to promote agricultural settlement in the Little Desert. For the next 26 years, the LCC sought to balance the use of Victoria's remaining public lands. Its recommendations to government were based on comprehensive scientific reviews and public comment and consultation, and were nearly always accepted, not only politically, but (at least in principle) by the general community. Finding such common ground is never easy; the success of the LCC was all the more remarkable because its task was so difficult.

With the replacement of the LCC by the Environment Conservation Council (1997–2001) and the Victorian Environmental Assessment Council (2002), it is time to review the history of the LCC and its successors: their

achievements and failures, supporters and obstacles. The debates over public spaces and our natural environment look set to intensify in the future. The experiences of the last thirty years are well worth revisiting to help smooth the path for negotiating the next thirty years and beyond.

Annexing an 'empty' land

In 1786 the British annexed Australia as *terra nullius* – no man's land. Sight unseen, the entire continent from east to west was effectively declared Crown land. For fifty years, however, the indigenous people of the south-eastern corner of the continent continued living much as they had done before, with little contact from Europeans. Only a few whalers and sealers made transitory camps on the continent's south-eastern shores, and explorers made tiny inroads around its periphery. The French captain Dumont d'Urville described Westernport as 'a lovely grassland . . . shaded by fine trees . . . and looking rather like our royal forest around Paris' (Dumont d'Urville, 1830–35). Ten years later Thomas Mitchell looked south across the Murray to 'a land so inviting and still without inhabitants' (Dingle, 1984). In fact, the area did have inhabitants, and not just the apparently 'invisible' indigenous population. In the face of bureaucratic opposition or apathy from New South Wales, illegal settlers from Tasmania had moved across Bass Strait in 1834–35 to squat on land near Portland and the Yarra (Dingle, 1984), beginning the process of alienation of land from both 'public' and indigenous ownership.

Visions of fine grazing pastures sprang readily to the new settlers' imaginations. The stream of settlers broadened, flowing overland from New South Wales and overseas from Britain. Pastoral land was taken up illegally until the government began to issue annual grazing licences. Then in 1847 the New South Wales government conceded the inevitable, allowing fourteen-year leases to squatters around Port Phillip Bay (Dingle, 1984). By that stage, about 75,000 people were living in the region now known as Victoria, along with five million sheep (Dingle, 1984). Half the state was 'occupied' and being pounded to dust by twenty million hard-hoofed feet.

A state of wealth

The establishment of Victoria as a separate colony in 1851 saw responsibility for the alienation of Crown land move to Melbourne. Just days later, gold was found near Ballarat, starting an influx of diggers that would soon make Melbourne one of the wealthiest cities in the world. But despite Melbourne's unruly origins, the urge to protect the environment against unbridled development began early. The first governor, Charles La Trobe, ardently admired Victoria's scenic beauty and envisaged 2500 acres (1000 ha) of open parkland surrounding the new city.

Such civilising influences, however, were largely restricted to the capital; elsewhere, land use was characterised by an ad hoc drive for riches. By the end of Victoria's first year of self-government, almost all the colony's menfolk were in the goldfields, with thousands more arriving from interstate and overseas. With few resources to protect its ownership of gold on Crown land, the Victorian government licensed tiny claims only three metres square, cramming tens of thousands of diggers into each goldfield.

The environmental cost was enormous. Goldfields were cleared of their durable timber, old diggings left exposed to erosion, and waterways polluted by puddlings and dams. Gullies and hillsides left untouched by the earlier pastoralists came under increasing pressure from gold-diggers (Dingle, 1984). Tensions also grew between the pastoralists and the gold-diggers. In the first days of self-government in Victoria, land use and ownership became the central focus of political debate.

In the early 1860s, after the gold rush subsided, many former diggers looked to small-scale farming as an alternative source of employment. A strong populist movement developed, rallying behind the call to 'unlock the land' held by pastoralists under lease from the Crown. Reformers urged the development of an idealised English system of 'yeoman' farms (Powell, 1989). Small acreages were finally released for general purchase in 1857, and over the next three decades large areas of Crown land were alienated.

Not all this land was taken up by smallholders. Many wealthy pastoralists in the Western District bought freehold title over their former leaseholds to protect them from the encroachments of small settlers. Nevertheless, substantial areas of land were taken up for agriculture, especially in the coastal regions and along the railways, and farming eventually came to dominate Victoria's landscape.

The urge to establish small farming communities was driven by social, economic and ideological factors. Dramatic boom and bust cycles in wool and gold had warned the young colony of the dangers of dependence on individual commodities. Gold-diggers were joined in their opposition to graziers by businessmen who saw agriculture as a stable growth industry – feeding the expanding population, encouraging local manufacturing

and producing a wider range of goods for export. Further land clearance became a priority. Even the huge, inaccessible forests of eastern Victoria became targets for enthusiastic would-be farmers.

In defence of nature – and public ownership

But not all early colonists viewed the forests and indigenous vegetation with such a cold and mercenary eye. The young and thriving city of Melbourne attracted many educated gentlemen who took a less pecuniary interest in the colony's natural resources. The shared interests of these gentlemen led to the formation of the Royal Society of Victoria in 1859. The founder of the Melbourne Botanic Gardens, Ferdinand von Mueller, was a vocal and influential proponent of protecting the natural environment, not just for its commercial potential, but also for its intrinsic values. 'No settlement, however princely – no city, however great its splendour, brilliant its arts or enchanting its pleasures – can arouse those sentiments of veneration which among all the grand works of nature, an undisturbed noble forest-region is most apt to call forth,' he wrote (von Mueller, 1871, p. 43). In later life, he argued for the preservation of original vegetation, particularly in regions of great 'endemic riches'. The disturbing influence of rural occupations should be excluded from these reserves, which should be 'proclaimed for all times the people's inalienable property' (von Mueller, 1890).

With deforestation continuing at a rapid rate, there was also widespread public concern about the risks to climate, particularly rainfall (Powell, 1989, p. 70). This concern was mirrored throughout the colonies of the British Empire, where naturalists and administrators alike were beginning to link deforestation with lowered rainfall, soil erosion and subsequent famine. Legal pro-

tection for forests in the French and British colonies of Mauritius and Tobago in the mid-1700s was followed a century later by a formal system of forest reserves and protection by professional foresters in India, a concept which soon spread to Australia (Primack, 1993).

Legislation to protect valuable timber resources could also be used for conservation purposes. Under Victoria's Land Act of 1869, it became illegal to damage or remove Cabbage Palms (*Corypha australis*) from East Gippsland (Gillbank, 1998). The 1884 Land Act allowed areas to be reserved 'for the growth and preservation of timber'; ironically, this Act enabled a reserve to be established for the further protection of timberless Cabbage Palms.

The holy trinity of trees, soil and water became the driving force of early environmental protection in Victoria. Fears of water-borne typhoid led the first engineers of Melbourne's reticulated water supply to close the forests around water reservoirs to human use – a far sighted policy that has continued to the present day (Dingle and Rasmussen, 1991). Watercourses were increasingly being seen as important public resources. In 1881 public reserves were established along all remaining unalienated coastal shorelines, lakes, streamsides and riverbanks (Mosley, 1972).

Public action for public land

Abhorrence of the wholesale destruction of nature was not restricted to a few specialist academics and administrators. Increasingly, the general population became more sensitive to environmental degradation. The Field Naturalists Club of Victoria, the non-professional version of the Royal Society, was formed in the 1880s and began a century-long campaign for national parks. Community pressure to protect the Ferntree Gully area led to the proclamation of a 68-hectare reserve for

‘public recreation’ (Saunders, 1998a; 1998b). This reserve was popularly referred to as ‘The National Park’ although it was many years before it was legally accorded that status. Local pressure also led to the creation of Victoria’s first national park, at Tower Hill near Warrnambool, by an 1892 special act of parliament (though in 1960 the park was converted to a game reserve).

But Victoria’s first large and enduring national park was Wilsons Promontory, which was temporarily reserved as a potential site for a national park in 1898 along with Mt Buffalo. Over 100,000 acres (40,000 ha) of Wilsons Promontory was permanently reserved in 1908, followed by national parks at Mallacoota, Wyperfeld and Wingan the next year. No longer were disputes over land use merely the domain of differing commercial interests. A new force had emerged in the determination of public land use – nature conservation.

Although many early parks were explicitly designed to protect areas of great natural beauty and value, it was rare for parks to be established in the face of competing commercial interests. Public recreation and timber protection remained the primary objectives; ecological concerns played a far smaller role. Many parks were specifically established on land unsuitable for agriculture or ‘healthy’ housing, like the once swampy, flood-prone Melbourne Botanic Gardens and Royal Park. Public land was the raw material for parks, and the most productive public land in Victoria had already been taken up for commercial development. Only commercially unattractive areas remained – desert regions, mallee scrubland, coastal wetlands and inaccessible heavily forested mountains (large-scale exploitation of tough Australian hardwoods was not feasible until timber-harvesting became mechanised).

We need a plan

Government land use planning was primarily conducted on a case-by-case basis, under the direction of the relevant departments. There was little or no strategic planning for either public or private land use. When conflicts of interest emerged between competing land uses, the outcome was often decided by the relative strengths of the different government departments. The first effort to introduce comprehensive land use planning was the Town and Country Planning Act 1944 which delegated discretionary powers to councils to regulate land use (Spencer, 1984). In 1949 the Melbourne and Metropolitan Board of Works, which had overseen the highly successful provision of world-class water and sewerage systems for Melbourne, was made the planning authority for Melbourne’s metropolitan area (Dingle and Rasmussen, 1991). But these actions primarily concerned urban development and left the growing demand for environmental conservation unsated.

The disastrous bushfires of 1939, which burnt a million hectares of forest, highlighted the vulnerability of the remaining forests to natural and human catastrophe. The subsequent ‘Save the Forests’ campaign (later the Natural Resources Conservation League of Victoria) attracted concerned citizens like the young surveyor George Thompson. Thompson widened public debate on soil erosion with his papers to the Victorian Institute of Surveyors (Robin, 1991). Throughout the 1940s there was growing public pressure to legislate for a comprehensive system of national parks in Victoria. The Field Naturalists’ Club was joined in its efforts by Youth Hostels, the Town and Country Planning Association, the Royal Automobile Club of Victoria and the Federation of Victorian Walking Clubs (Saunders, 1998a).

Such concerns were reflected in Judge Leonard Stretton's Royal Commissions into the forest grazing in the 1940s (Stretton, 1946). Having previously conducted royal commissions into some of Victoria's most devastating bushfires, Stretton was only too well aware of the impact of various sources of degradation on public lands (Stretton, 1939; 1944). His report into forest grazing recommended a new, unified system of public land management in Victoria (Stretton, 1946). Stretton's report came hot on the heels of a Commonwealth Rural Reconstruction Commission report (Rural Reconstruction Commission, 1944), which advised that a new body be established to oversee the distribution and use of all public land. The Commonwealth report suggested that federal guidance and policy might ultimately be effected by co-ordination between 'Land Utilization Councils' in each State.

The Land Utilization Advisory Council

In 1950 Victoria established a Land Utilization Advisory Council (LUAC). All of the LUAC's early work focused on soil conservation in proclaimed water catchment areas (embodying a fixation of the previous century on the nexus of forests, soil and water). Responsibility for the new committee largely fell to the recently formed Soil Conservation Authority. Although Henry Bolte, the young Minister for Conservation, initially chaired meetings, subsequent meetings were chaired by the successive chairmen of the Soil Conservation Authority, George Thompson and Geoff Downes (Robin, 1998).

The LUAC was a small but influential body with representatives from the departments of Agriculture and Lands, the Soil Conservation Authority, Forests Commission and State Rivers and Water Supply Commission. Later, the Mines Department and the Division of

Fisheries and Wildlife were included in the membership. The LUAC became a forum for many of the inter-departmental disputes between the different bodies governing public land use in Victoria (Robin, 1998).

There was an evident need for a central, cross-departmental body to deliberate on other uses of public land, not just water catchment and land settlement. In 1952, the Victorian National Parks Association was formed to lobby for a comprehensive system of parks; the first steps towards such a system were taken in 1956 (Mosley, 1972). The LUAC came under pressure to expand its brief, but it was not until 1959 that plantation forestry areas were included. Further expansion was initially resisted by the LUAC, perhaps because greater powers and responsibility would see the chair taken from the small Soil Conservation Authority by one of the larger departments.

The minister with plans

Despite their apparent isolation from the public land debate, local government and town planning were also undergoing dramatic changes, which would ultimately have significant repercussions for public land across Victoria. Under the leadership of a junior minister for Local Government, Rupert Hamer, local planning for the whole of Melbourne was brought under the auspices of a single entity, the Melbourne and Metropolitan Board of Works. An era of ad hoc and piecemeal development had ended and a consistent and considered plan for the entire city, and perhaps the state, was now the goal.

The 'planning' movement in the 1960s saw the beginning of the first comprehensive land surveys, which were conducted by the Soil Conservation Authority. These land system surveys were used as a baseline for LUAC

Out of the Desert

recommendations. In 1966 the Victorian government requested that all land be surveyed for potential new or alternative land uses. This large task was only made feasible by the use of multi-disciplinary study groups convened for each project. Under the influence of the Soil Conservation Authority, the reports were kept technical and scientific and remained conservative with respect to development.

The minister with problems

Despite such progress, pressure for the development of remaining public lands remained strong in some political circles. In 1967, Premier Bolte made William McDonald his Minister for Lands, Soldier Settlement and Conservation. McDonald, a grazier with a property near the Little Desert, was firmly committed to the economic benefits of agricultural development and had his heart set on opening up areas of the dry Wimmera

country in western Victoria. He instructed the LUAC to investigate the region ‘with a view to the whole of the area being made available for pastoral purposes’ (McDonald, 1968, original emphasis).

The LUAC, however, failed to support the development. Unimpressed, McDonald failed thereafter to support the LUAC. Only a day before the study group was due to present its findings to Council, McDonald wrote to Downes informing him that the Premier had withdrawn the terms of reference for the investigation (McDonald, 1969). McDonald felt it was not the LUAC’s function to provide recommendations for land use, only to present information. Someone, apparently the chair of the study group Frank Gibbons, jotted ‘FINIS (?)’ on the end of the letter. Indeed, McDonald’s lack of support for the LUAC saw it lapse by the end of the 1960s. While the minister maintained his in-principle support for parks, he felt they were not appropriate where they interfered



Mallee fowl mound, Little Desert area, Wimmera

with possible agricultural development (Gibbons, 1968). Eighty thousand hectares of the Little Desert region was slated for agricultural subdivision.

Far from extinguishing opposition to the development of the Little Desert, McDonald's determination to proceed provoked even stronger resistance from other quarters. The proposal sparked public animosity across a wide political spectrum. Conservationists were horrified by the development of such a fragile ecosystem. Farmers and economists were opposed to government subsidies for unsustainable and unviable developments, having seen such developments fail in the past. Opposition even emerged within McDonald's own party, most notably from Bill Borthwick, a junior Liberal member of parliament. Brought up in the Mallee, where he had witnessed the failure of soldier settlement schemes, Borthwick was vehemently opposed to McDonald's plans.

The Little Desert galvanised public opinion, and the environment threatened to become a major issue in the 1970 elections. For the first time, the disparate and divided conservation groups joined forces in a peak body known as the Conservation Council of Victoria. Fuelled by massive public support, the Conservation Council was supported by the considerable political nous of retired bureaucrats and long-time lobbyists. Among its founding members were George Thompson (former chair of the Soil Conservation Authority and LUAC), Alf Lawrence (former chair of the Forests Commission) and Ros Garnet (a senior figure in the Field Naturalists Club and the Victorian National Parks Association). The Conservation Council of Victoria was set to become the focus for interactions between governments and conservationists in Victoria (Calder, pers. comm.).

The minister with vision

Premier Bolte was at a loss over this unexpected public outrage. An intensely loyal politician, he stood by McDonald while repeatedly offering him opportunities to retreat (Borthwick, pers. comm.). But the minister was 'not for turning'; faced with increasingly vocal opposition, 'Black Jack' McDonald dug in for a fight. A by-election in the safe Liberal seat of Dandenong sounded Bolte's alarm bells – it was won by Labor with a 10% swing and was the first seat to be claimed outside Labor's northern inner city heartland. Education, social services and conservation loomed large and Bolte was persuaded that the Liberal Party needed to dramatically improve its position on 'quality of life' issues (Blazey, 1990).

An impending state election forced Bolte's hand. As the longest-standing Victorian premier in history, he was not about to end his run with an inglorious electoral defeat. He found help surprisingly close to hand. His friend Claude Austin was a fellow Western District farmer with impeccable Liberal Party credentials, but he was also a keen birdwatcher and at the forefront of the new conservation movement. Bolte made no pretence to Austin of 'understanding all you greenies', but he recognised he needed his friend's help to face this change in public opinion (Calder, pers. comm.). If Victorians wanted a government with an environmental policy, that was what Bolte would give them.

The young Borthwick was recruited to write the environment section of Bolte's policy speech, which he delivered in Ararat. This was Borthwick's first major political task, but he struggled to condense the speech to the required length. He sought assistance from a more expe-

rienced colleague, the minister for planning (Borthwick, pers. comm.). This may well have been a pivotal moment in Rupert Hamer's subsequent development as a proponent of conservation, and the beginning of an important, although not always congruent, partnership on environmental issues between the two men.

Bolte's speech was hotly debated that night over drinks among the journalists, who generally agreed that Bolte couldn't have written it, since he knew nothing about the environment (Borthwick, pers. comm.). Nonetheless, the result was a massive facelift for the government's policy on the environment. Bolte promised to increase the size and number of national parks, establish an environmental protection agency and acquire large areas of the Dandenongs for public use. The Liberals slipped back into power in the 1970 election with a reduced margin – without McDonald, who ignominiously lost one of the safest conservative seats in the Victorian Parliament.

No longer could public land be seen as fair game for commercial use alone. Rising affluence and education levels, particularly in the cities, had given rise to a new generation of Australians whose catch-cry was not 'Development at all costs' but 'What is the cost?' Increasingly, the cost was seen as too great.

The government, meanwhile, was looking for somewhere to handball the political hot potato of public land. Borthwick, now Minister for Lands, Conservation and Soldier Settlement, saw a once-in-a-lifetime opportunity to protect Victoria's natural assets. As testimony to his priorities, he asked to be paid as Minister for Conservation. The charred political landscape left by McDonald's Little Desert campaign was a unique opportunity to introduce a Bill so radical that it might never have been accepted under ordinary circumstances. Indeed, few other states or countries have managed it yet.

The unique political circumstances surrounding the Little Desert dispute provided an opportunity to introduce a systematic and reasoned approach to resolving public land use issues. Few environmental disputes have reached such a crisis point that a wide spectrum of the community (from conservatives to conservationists) felt that the system was broken beyond repair. McDonald precipitated just such a crisis in Little Desert. While other politicians may have sensed an electoral backlash and defused the situation, McDonald was stuck to the course of action he felt was right. As a consequence, he united large sections of the community against the development of public land. The otherwise conservative Bolte was forced to adopt an environmentally sensitive agenda and the way was cleared for a radically new system of public land use decision-making. Ironically McDonald can take much of the credit for the innovative system Borthwick and Bolte introduced.

Under Borthwick's scheme, recommendations over public land use were to be taken completely out of political hands and placed in the hands of a team of community and public service experts in land management and conservation. More importantly, the public was to have an unprecedented level of input into a transparent decision-making process. Public land use would no longer be decided in an ad hoc manner, on a minister's whim or at the behest of powerful lobby groups. From now on the future of Victoria's public lands was to be decided rationally, scientifically and critically on the basis of scientific research and public opinion. Recommendations would be put to parliament by a process so watertight – with such scientific and public credibility – that it would take a brave government to ignore them. Borthwick took the volatile public lands issue out of the relieved government's lap and handed Victoria a structure with which to protect its remaining native landscape – the Land Conservation Council.

The investigations

The sections at the end of each chapter provide brief snapshot summaries of each of the investigations carried out by the LCC and ECC. These summaries have been prepared by Simon Ransome, Mick Lumb, Ian Miles, Paul Peake, Joan Phillips and Shane Dwyer.

South-west I

Original study: Jun 1971–Apr 1973

The need to find public land for federally funded pine plantations was the main impetus for choosing South-west I as the LCC's first study. In addition, technical information was already available from an earlier Land Utilization Advisory Council (LUAC) study of the area's suitability for agricultural development. The Descriptive Report published as part of this investigation set the style and tone of those that followed for the next 14 years.

Public debate at the time centred on conserving Kentbruck Heath (southeast of Dartmoor) and the recommendation that it be added, along with other small areas, to the existing Lower Glenelg National Park signalled the end of clearing vegetated public land for agriculture. A rather surprising recommendation proposed that a limited area of the remote and extensive foreshore dune system bordering Discovery Bay be trialled for motorised vehicle recreation. This recommendation allowed the Portland Dune Buggy Club to lease an area which is still in use today. More controversy arose over the recommendation for removal of private boat sheds from the public land Glenelg River frontage by 1985. The debate persists to this day and some boat sheds remain.

Review: Jun 1980–Mar 1983

This region was also the first to be reviewed, partly because the original study was completed before the LCC had developed its park category system. In the review, an expanded Discovery Bay Park became a coastal park and Dergholm (previously mostly uncommitted land with small areas of scenic and recreation reserves) and part of Condah (previously wildlife reserve) became new state parks. Many new small reserves were also recommended. The only new land for softwoods was purchased private land, and an additional 1000 ha that could be used "should the Government decide".

Special Investigation: All of South-west I was included in the Historic Places Special Investigation (see separate box).

Out of the Desert



The serene Glenelg River's limestone cliffs

Water Supply Catchment investigations

Various: June 1971–July 1991

The precursor to the LCC, the Land Utilization Advisory Council, had two important tasks: to consider proposals to 'proclaim' multiple use water catchments that provide country town domestic or irrigation supply, and to advise on land use. Many water catchments included extensive forests and other areas of Crown land, farmland and grazed alpine areas, supplying irrigation and domestic water storages. Proclamation, following LUAC advice, defined catchment boundaries and could be followed by a 'land use determination' under the *Soil Conservation and Land Utilization Act 1958*. A determination specified uses for different parts of the catchment, based on soil and site characteristics, position in the catchment and local climate, for both Crown and freehold land.

The LCC took over these roles on catchment proclamations (which were usually straightforward) and draft land use determinations (which were often controversial). Over a number of years the LCC recommended 87 catchment proclamations to the Governor in Council. Land Use determinations were prepared by the then Soil Conservation Authority (SCA) and the LCC provided advice to the Authority. This occurred for 24 determinations and the Council, in contrast to other aspects of its work, gave advice on the uses of freehold as well as public land.

The *Land Conservation Act 1970* defined water authority land as public land, specifically including Board of Works land. Several water authorities eg Colac and the Latrobe Valley Water & Sewerage Board (LVW&SB) had substantial landholdings, and some significant issues arose when the LCC investigated the relevant study areas. LCC's Corangamite recommendations put Colac Waterworks Trust catchment Crown land, and freehold purchased by the Trust into a flora and fauna reserve; both were disputed, with the proposal for the purchased land being dropped. The government decision on inclusion of LVW&SB land in the Tyers Regional Park was deferred, with much negotiation required to resolve the issue. The Ryans Creek catchment in north-east Victoria was the scene of a test of strength between the LCC and SCA (see North-east 2 box).

Stony Creek catchment, part of Geelong's water supply, put LCC, SCA and the National Parks Service at odds. In the original Melbourne investigation the LCC recommended most of this small closed catchment as an addition to the Brisbane Ranges National Park, with two reference areas. The National Parks Service wanted to retain the catchment in the park, including the little-used Lower Stony Creek reservoir. The Geelong water authority objected via SCA and Water Commission LCC members. The outcome was a land use determination that made the whole catchment a closed reservoir buffer; incorporating the reference areas. This cut across LCC policy which was generally in favour of multiple use in catchments. Government varied the LCC recommendation, excluding the catchment from the park.

Out of the Desert

Numerous land use determinations affected timber resources to some extent, specifying protective buffer strips along streams and around reservoirs, and protective forest categories on steep slopes or erodible soils. The Forests Commission Victoria (FCV) and other members often disputed these determinations, resulting in substantial arguments around the Council table as members lined up on one side or the other. When the draft Gellibrand River catchment land use determination was to be considered, one member had mislaid his papers, and arrived at the LCC meeting unprepared. The member moved to defer the discussion, but was defeated. The report was discussed and approved, with less disagreement than usual.

LCC endorsement often assisted the SCA in implementing land use determinations but not all draft determinations reached the implementation stage. The Lal Lal Reservoir catchment supplies Ballarat and Geelong and was mostly freehold. The catchment had extensive cropping on long volcanic slopes, with some areas cultivated to the edge of streams. The SCA was concerned about pollution both by eroded soil and farm chemical use. A draft land use determination was endorsed by the LCC, after reservations from the Department of Agriculture member. Subsequent consultation with landowners initiated a storm of protest, and the land use determination was shelved.

Commercial land development flourished in some catchments. Lake Eildon attracted a number of tourist resorts and land subdivisions. The State Rivers and Water Supply Commission sought SCA and LCC support for limiting or redesigning these to reduce intensity of use and the risk of pollution of the lake. Malakoff Creek catchment in western Victoria was more down-market. A developer bought for resale several old and (given that they were in the catchment) inappropriate subdivision lots on dry erodible land, with potential for many houses on what had been farmland. A land use determination provided some control, in conjunction with planning scheme provisions. In other such cases there was little support for controls from local shires, who commonly saw more small-lot landholders as more ratepayers.

While the SCA and LCC had some success in improving land use in planned catchments, land use determinations went out of favour and were rarely used after the mid 1980s.

Responsibility for catchment planning was moved to the Catchment and Land Protection Boards (later Catchment Management Authorities), under the *Catchment and Land Protection Act 1994*. That Act contains provisions for special area plans in water catchments or other sensitive areas, comparable to land use determinations. However, no special area plans have been declared to date. LCC's advisory role in water supply catchments disappeared along with the *Land Conservation Act* in 1997.

LCC legislation

The fundamental strength of the Land Conservation Council (LCC) rested in its legislation, which gave the LCC the spine to divert potential attacks from other, larger government departments and agencies, and supplied it with the armour to protect it against political pressure. Borthwick's commitment to conservation had found kindred spirits among the staff at the Lands Department. For over 100 years, this monolithic department had been diligently alienating Crown land for farms and towns. This role was drawing to a close, leaving Lands responsible for the dribs and drabs of Victoria that had yet to attract anyone else's interest. Various bits had been successively hived off by the Forests Commission or parcelled out to the poorly resourced National Parks Authority, but most of Victoria's public land lay in the domain of the Lands Department.

Lands therefore had the most to lose with the establishment of the LCC. But it was the Lands Department, perhaps above all others, that was responsible for the LCC's success. The secretary of Lands, Alan Holt, was largely responsible for assisting Bill Borthwick to draw up the legislation for the LCC (Borthwick, pers. comm.).

Although they modelled the new structure on the former Land Utilization Advisory Council (LUAC), Borthwick and his advisers could see that the LUAC's membership had been too restrictive. Like the LUAC, the LCC was also to include the heads of the Soil Conservation

Authority, State Rivers and Water Supply, Fisheries and Wildlife, Forests Commission, Agriculture, Lands and Mines. While National Parks Authority staff like Don Saunders had regularly served on the LUAC's technical committees, the LCC included the Director of the National Parks Service as a full council member. Drawing these players around the boardroom table took discussions of public land use out of the departments and into a more public arena.

Even so, the LCC would have been too insular – too public service – had it not included three government appointed community representatives. Two were nominated by the Conservation Council of Victoria as individuals 'with special knowledge of and experience in some aspect of the conservation of natural resources', while the third was to have 'experience in the conservation techniques used in developing land for primary production' (Land Conservation Act, 1970).

The legislation was drafted carefully. Council members were not 'representing' interest groups or their departments. Rather, they had been selected for their expertise in a given field. In the 1970s the heads of public service departments had invariably risen up through the ranks within their own departments and were indisputably experts in their areas of departmental responsibility. But, having been required to sit on a decision wearing their 'expert' hats, they could hardly then go back to their 'departmental management' hats and ignore their own

conclusions. For the time being, this was a secret strength of the LCC structure. Expertise and responsibility were enshrined in the same figure – the departmental head.

Restoring balance to an unbalanced world

Bolte had promised that the government would ‘have a full study made of all Crown Lands in Victoria with the object of setting aside and permanently reserving substantial areas for National Parks, Wildlife Reserves and Forests Parks. This should ensure that at least 5% of the State is preserved forever.’ (Bolte, 1970). At the time, a mere 256,380 ha (just over one percent of Victoria) was protected in national parks or wildlife reserves. The purpose of the Council was to ‘balance’ the use of land in the state through the recommendations it made over public land. Attempting to produce ‘balance’ in an unbalanced world would inevitably result in more reserves. Borthwick didn’t mind. After 150 years of poorly constrained development and environmental exploitation, he felt it was about time the tables were tipped in favour of conservation.

Practically all of Victoria’s prime agricultural land had already been alienated. Borthwick had no compunction about allowing decisions over the remaining remnants to be ‘biased’ towards conservation if that helped restore the balance between artificial and natural landscapes. The functions of the Council, set down in legislation (See Appendix A), clearly outline its responsibilities to protect the natural environment from further destruction. Nonetheless, the LCC also needed to balance the needs of existing production from public lands – timber, minerals, stone, honey etc – and recreation uses.

The Land Conservation Act was not the only plank in Borthwick’s ark. Within five years he introduced a new National Parks Act which enshrined the concept of having different types of reserves for different purposes. Until this time, there had been a rather ad hoc allocation of regions to national parks. The first areas designated as ‘national parks’ in Victoria – Tower Hill and Ferntree Gully – would probably not be regarded as suitable for national parks today. Justification for early parks was often sought on the grounds of recreational and leisure interests rather than ecological protection. This in itself was ground for concern, as Borthwick was to discover when he visited American national parks.

Different strokes for different folks

America had long been recognised as the founder of the modern ‘national park’ system, yet when Borthwick visited the great icons of the American reserve system he was disappointed to see the extent of environmental degradation and damage. Parks like Yosemite and Yellowstone were literally being loved to death. Commercial syndicates strongly influenced the types of activities permitted in the national parks, and they naturally opposed any restrictions on the number of potential customers. American park staff implored Borthwick to set up a Victorian model that avoided the mistakes of the American system. Victoria needed a model that kept commercial interests out of parks and made allowances for public impact.

It was for this reason that Borthwick promoted the concept of a differentiated system of parks. National parks were to be the largest, most significant and most protected of the reserves. They were to be complemented by

a system of other parks (such as state and regional reserves) designed to allow greater public access and use in areas less sensitive or significant than the nearby national parks. This distinction is even inherent in the Land Conservation Act (see Appendix A), which identified different reasons for conserving different areas (aesthetic, ecological, historical and recreational).

In many countries and states, the creation of national parks is seen as a panacea for conflicts over conservation, when in fact such a simplistic response may cause more problems than it cures. Borthwick's legislation was not simply about national parks, but formulated a reserve system with the flexibility to allow a multiplicity of activities and levels of protection across different areas of land. The reality and vagaries of human nature were built into a sustainable reserve model.

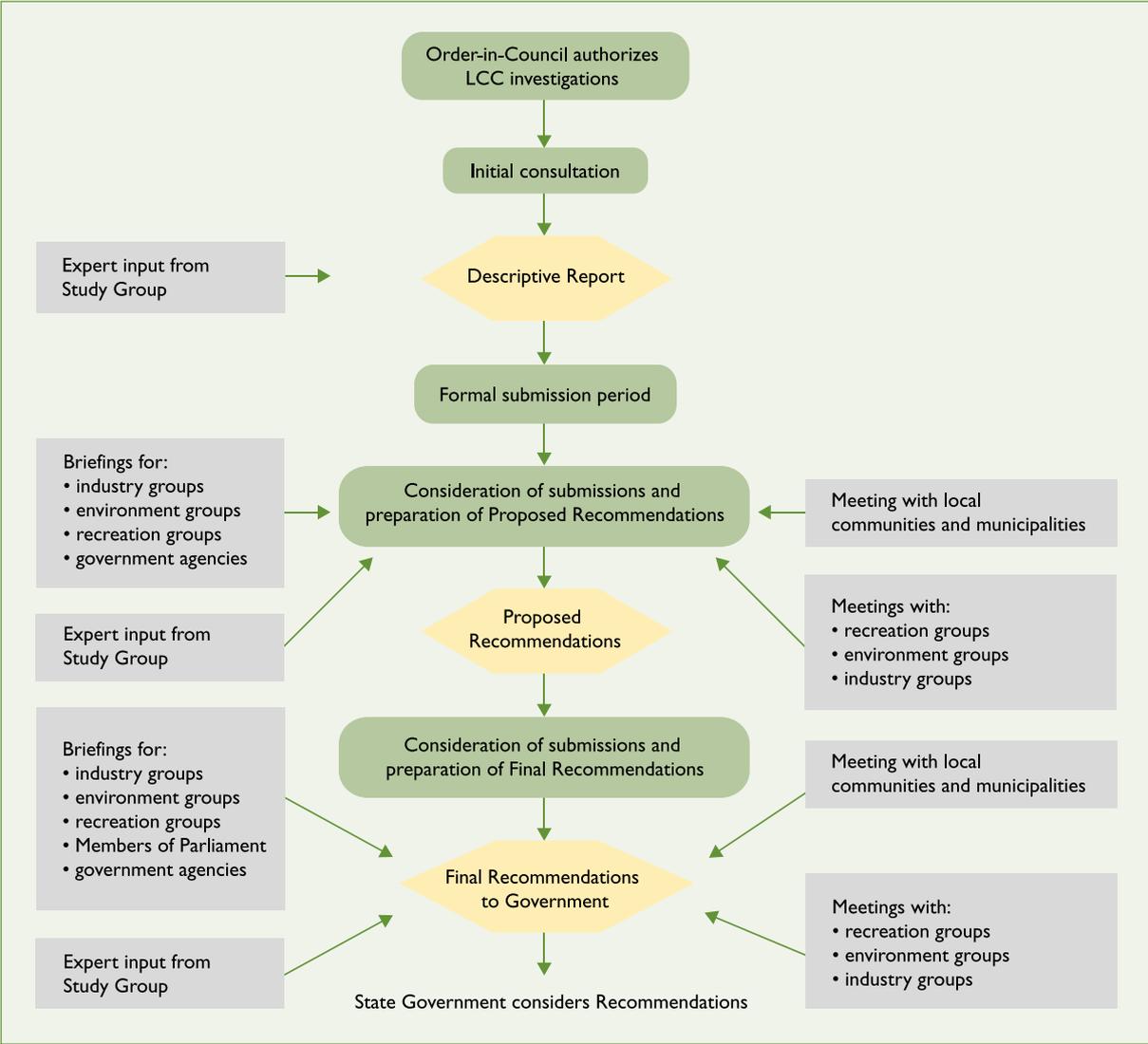
Consultation and transparency

Human nature was also recognised in the process by which the LCC was required to reach its decisions. The Little Desert dispute had demonstrated that a broad spectrum of people wanted a chance to express their opinions on public land use. Borthwick reasoned that the more input people had in the decision-making process, the stronger would be their sense of ownership over the decisions reached. Public consultation, along with environmental protection, was enshrined in legislation.

The legislation set strict guidelines for conducting investigations, consulting the public and tabling recommendations. Political pressure for the LCC to make rapid recommendations would be inevitable, but Borthwick's legislation made it virtually impossible for recommendations to be made without the appropriate investigations and consultations taking place (see Appendix A and Figure 2.1).

The LCC was obliged to produce a descriptive report on each investigation, summarising all the current knowledge relevant to public land use in the area for public consideration. The report was to be widely publicised and submissions from the public solicited over at least 60 days. After those submissions were considered, proposed recommendations for public land use were to be published and distributed to all interested parties. After a further 60 days for public submissions, these recommendations would be revised in the light of the submissions and presented to the minister as final recommendations (see Figure 2.1). Although not required to make these recommendations public, the LCC chose to do so. Once the recommendations were made, the legislation made it almost impossible for them to be ignored. All recommendations had to be tabled in Parliament within fourteen sitting days for all to see – they could not simply be filed away to gather dust in the minister's office.

Figure 2.1: The LCC Investigation Process



Support from the left, resistance from the right

Borthwick's introduction of the Bill to parliament received ringing endorsement from the opposition Labor Party. Heartfelt support within his own Liberal Party was probably not so strong but, with the near-disaster of 1970 so close behind them, no-one dared oppose it publicly. If Bolte could stomach a radical policy of environmental protection, so could the rest of the party.

The fiercest opposition to the Bill came from the Country Party. Despite their mutual 'conservatism', the Liberal and Country parties were mortal enemies at this particular time in Victorian political history. Indeed, it was said that one of Bolte's core ambitions was to annihilate the Country Party at the ballot box. Country Party resistance to the LCC was led by the member for East Gippsland, Bruce Evans, who objected to changing 'the system which has been traditional in the development of the State' (Evans, 1970, p. 617). The traditional rural interests of the Country Party members made them suspicious of any centralised authority charged with making decisions about land use in the country (Evans, 1970, p. 619). Throughout his long parliamentary career, Evans remained a vocal scrutineer of conservation policies both in respect to the LCC and the departments responsible for land management.

An independent man

Given such ambivalence on Borthwick's own conservative side of politics, it isn't surprising that he set out to ensure that the LCC would be free from political interference. And during his nine years as Minister for Conservation, he was as good as his word. Because there was to be minimal ministerial input, the choice of a full-time chairman of the LCC was crucial. It was essential to avoid departmental dominance. In view of the Soil Con-

servation Authority's leading role on the LUAC, Geoff Downes might have been a natural heir to the chair of the LCC. But this was not to be the case. The LCC was to have a full-time independent chair with no connection to any department – or indeed to conservation.

The success of the infant LCC rested very much on the strength and personal style of its first chair. The LCC was tiny in terms of bureaucratic weight, a newcomer with neither mass of personnel nor money. Unlike the LUAC, which had maintained a conservation ethos by keeping a low profile, the LCC was set to challenge the authority of the departmental heavyweights head-on. How would the powerful Forests Commission react to having a newcomer dictate terms for its long-held use of public land for timber extraction? Would the National Parks Service ride roughshod over the traditional commercial interests on public land? Or would the recommendations of the LCC simply be ignored – all talk and no action?

Again Bolte turned to Claude Austin for advice. He reportedly asked Austin who would be suitable to chair the LCC and 'look after your little birds'. Austin pointed across the room to the formidable figure of Sam Dimmick, warden of International House at Melbourne University and former cultural affairs attaché to Indonesia. An unexpected but inspired decision had been made.

Conservationists were disconcerted: Dimmick had no experience or obvious interest in conservation. Indeed, Bolte was said to have laughingly commented that Dimmick was perfect for the job precisely because he knew nothing about conservation. Dimmick himself joked that he could neither spell nor pronounce 'conservation' when he first took up the position (Lumb, pers. comm.). But with a background in cultural affairs, he was seen in the broader community as



Portrait of first LCC Chairman, Sam Dimmick, by John Cuthbert

entirely impartial. His commitment was not to conservation per se, but to ensuring that the legislative requirements of the LCC were fulfilled.

During his years as chairman, Dimmick acquired a more overt commitment to conservation, although some suspected that was simply a contrary determination to oppose a recalcitrant and equally determined Forests Commission. Certainly, no-one would sweep the LCC into a quiet corner to be forgotten while Dimmick was in charge. Dimmick demanded and commanded respect. With the full weight of his six-foot-four frame and a deep, resonant voice, Dimmick was superbly capable of playing the senior public servant. He provided everything

that the LCC lacked in stature and reputation. The car, the office, the entertainment budget, were all put to maximum effect in consolidating the LCC's power in the messy internecine wars between government departments. Dimmick was a man to be taken seriously, and with him at the helm the LCC was not going to be dismissed lightly either.

And so it began . . .

The LCC's first meeting took place in the old Cabinet Room of the Treasury Building on Thursday 1 April 1971. Borthwick addressed the twelve new members of Council in a rousing speech. His words were not recorded for posterity, but they impressed upon the new councillors their historic responsibility to make recommendations on the use of public land 'as if for a thousand years'. It is probable that Borthwick's argument was similar to the one he had used when introducing the Land Conservation Bill to Parliament a year earlier. The Bill was not, he stated, a land 'preservation' bill but a land 'conservation' bill. And to Borthwick, conservation implied a balanced use of resources – taking into account the aspects of land use, like the value of natural vegetation, which had been so sadly neglected for much of Victoria's post-settlement past. 'Conservation is achieved', he said then, 'when it is possible for man to fit into his environment in such a way that his physical, intellectual and aesthetic needs can be satisfied by the resources of the environment without spoiling its capability to go on satisfying these needs for generation after generation' (Borthwick, 1970, p. 148).

Having charged his new Council with its historic task, Borthwick left the meeting. This had been his first and last direct address to the Council. From now on, the difficult and controversial task of determining the fate of

Victoria's public lands was up to the LCC. His faith was not to go unrewarded.

Collected around the table were some of the most significant figures in public land management and conservation in Victoria. Surveying the room, Dimmick must already have had a fairly clear idea of their allegiances and individual backgrounds. His Council members probably knew far less about Dimmick than he did about them.

Many of the councillors brought with them experience from the LUAC. Others had been involved in the planning and implementation of the LCC. Foremost among these were Claude Austin, the nominated agricultural expert, and Alan Holt, the Secretary of Lands. The chairman of the Soil Conservation Authority, Geoff Downes, also brought considerable experience and support to the LCC, where he occupied the role of deputy chair. One conservation nominee, John Turner, was professor and head of the School of Botany at Melbourne University



Council trip, Murray Valley Area, November 1983. From left: Athol Hodgson (Forests Commission), Dr Malcolm Calder (Conservation Council of Victoria), Don Saunders (Director National Parks), John Pilbeam (Secretary for Lands), Alex Mitchell (Chair, Soil Conservation Authority), Thorry Gunnensen (Industry), Claude Austin (Primary Production) and LCC research officer Ian Miles.

and an obvious authority on matters vegetative. Turner had long held an interest in conservation debates, including the Little Desert. The other nominee, John Landy (later Governor of Victoria) was an agricultural scientist working for ICI, as well as being well-known for his sporting achievements.

Other Council members came from departments with varying degrees of vested interest in the outcome of the LCC process. Despite the significance of agriculture in early public land use disputes, by the time the LCC was established most viable agricultural land had already been alienated and the role of the Department of Agriculture was waning. A resurgence in 'agricultural rights' was not to emerge until the 1990s. In the 1970s, David Wishart, as Director of Agriculture, was perhaps the most impartial but influential of all the Council's members.

By contrast, other departments had much to gain or much to lose as a result of the LCC process. The National Parks Service, initially represented by Len Smith, was a relatively small and poorly funded department. It was inevitable that the LCC process would send more land its way – an outcome it perhaps viewed with some trepidation given its lack of resources. From time to time, Mines (Ted Condon), Fisheries and Wildlife (Alf Dunbavin-Butcher) and the State Rivers and Water Supply (Alf Tisdall – a senior figure on the Council) all had cause for concern over matters discussed in the LCC. But the department that had the most to lose, and resisted any losses the hardest, was the Forests Commission, vigorously and fervently represented by Frank Moulds (See Appendix D for table of Council members 1971–1997).

The Forests Commission was not opposed to conservation as such. In fact, foresters had been at the forefront of the early conservation movement, with state forestry legislation having originally been set up not just to safeguard timber supplies but to protect native vegetation and water catchment regions. The Forests Commission often supported 'conservation' goals, but the very nature of conservation was changing. A forest was no longer simply a group of trees, but represented entire ecosystems fulfilling both ecological and spiritual needs for the wider community.

On the one hand the Forests Commission, with its own strong tradition of conservation and forest management, was placed in competition with new and different conservation demands. On the other hand, the needs of the timber industry often placed the Forests Commission in opposition to measures being supported by other members of the LCC. Despite well-intentioned co-operation in the LCC process, the Forests Commission, more than any other department, tended to find itself threatened by LCC proposals.

The legislation might have set up a process for balanced land use, allowing for the conservation of Victoria's remaining natural features, but inherent in that process was the necessity of carrying all the parties along with the process. Progress would only be made with all on board, from the Council to the public to the politicians. The ultimate success of the LCC as a model for resolving land use disputes would depend on its ability to garner the support of all interested Victorians. The extent to which it did so, and how it went about that task, was up to the new Council.



Large Shining Gum, Big Tree Camp, Rodger River in East Gippsland

South Gippsland I

Original study: June 1971–Oct 1973

Public land between the Gippsland Lakes and Ninety Mile Beach has high biodiversity and recreation values but hunting interests made recommendations for a national park difficult as this would exclude hunting. Instead, the area was designated as the Gippsland Lakes Coastal Reserve. This was the first time the Council actually classified parks and Holey Plains became the first recommended state park with a nominated management authority in the National Parks Service. Despite Council receiving 58 submissions, the recommended reserves in the final report were exactly the same as those published in the draft report. This was the only time this occurred in an investigation.

Stradbroke Special Investigation: Feb 1977–Nov 1977

The Stradbroke Special Investigation was initiated to investigate public land suitable for private plantations, and to protect the future development of the Stradbroke coalfield on land previously uncommitted. Council, however, recommended that the softwood area be leased rather than alienated. This was seen as reducing compensation issues if the land was required in the future for coal extraction.

The LCC's first task was to consider how to approach its daunting programme. Bolte had promised the electorate that he would see 5% of Victoria protected in parks (Bolte, 1970), a commitment Borthwick reiterated in his second reading speech to introduce the LCC legislation (Borthwick, 1970). Many took this to be an absolute figure, rather than a general guideline or even a minimum. Within the 8.5 million hectares of Victoria – around 37% of the total land area – that remained public lands, there were plenty of areas where national parks would have been relatively uncontroversial. Foresters would not have batted an eyelid if all the public lands in the Mallee had been declared national park, for that would have filled the 5% quota while leaving forested public land accessible. Other interest groups were keen to steer the national parks towards areas in which they had no stake, so that they could then do what they liked with what was left.

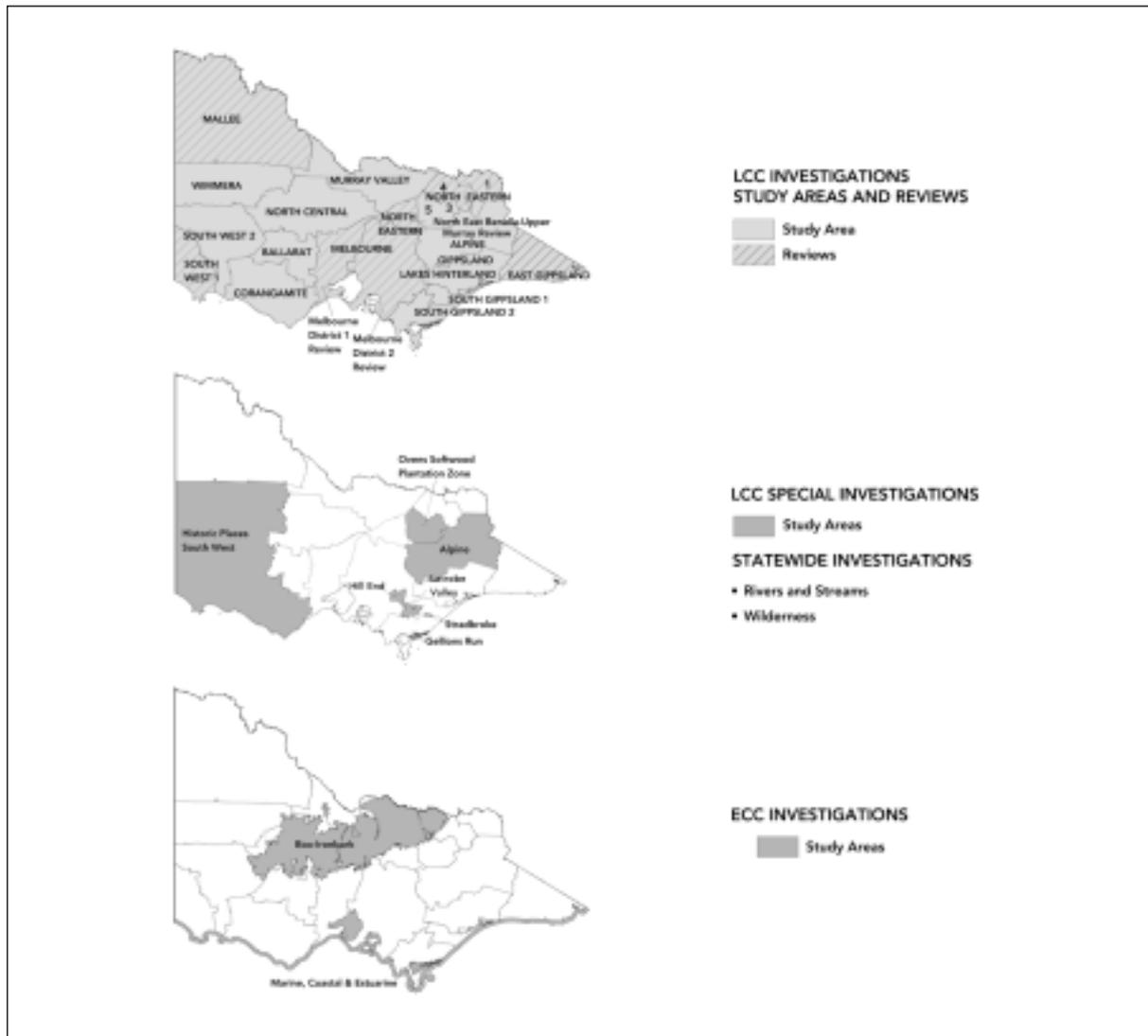
At the other end of the spectrum, there was considerable public pressure to see areas like the Alpine region protected. With the corresponding alpine regions across the border in New South Wales having been made a national park in 1967, there was significant pressure for Victoria to do likewise. The Snowy Mountains Hydroelectric and Irrigation Scheme had seen grazing banned on the northern side of the state border because of conflicts

with harvesting water, but grazing interests remained entrenched in Victoria, despite the removal of sheep and successive reductions in cattle-grazing licences by the Soil Conservation Authority over the years.

Dividing the task

But the LCC was in no hurry to play all its aces at once by declaring vast areas of parks, or descend headfirst into the maelstrom of alpine disputes. An ad hoc method of dispute-driven reviews was rejected in favour of a systematic approach to reviewing the whole state. Victoria was divided into seventeen regions, each of which could be subdivided into smaller areas (see Figure 3.1). The boundaries were based on existing bureaucratic and land use divisions. Many, such as the South West and North East regions, were calculated around Forests Commission districts with potential and existing pine plantations. Other borders followed municipal boundaries to facilitate the gazetting of investigations in local papers. Practical though these boundaries may have been, even at this early stage there was some disquiet over the division of 'ecological' entities such as the Snowy River catchment (LCC Minutes, 6/5/71). Other ecological entities, like marine regions, were not even acknowledged as part of the LCC's task.

Figure 3.1: LCC and ECC study areas





Alpine herbfield and snowgums, Blue Rag Range, Alpine Area

The unknown soldiers

Despite regular monthly meetings, the work of the LCC was severely impeded by an almost complete absence of technical staff in its first year (LCC, Annual Report 1970–1). Administrative staff were appointed, including a secretary who, as the official author of the annual report, was the only staff member mentioned by name other than the chairman. Four research officer positions were finally filled by early 1972 (LCC Annual Report 1971–2). The initial research team consisted of John Wrigley, Roger Cowley, John Taylor and Peter Lawson. The chairman and his new staff settled into their new permanent offices at 464 St. Kilda Road (See Appendix E). The only acknowledgment of staff in the annual reports was an obligatory thank-you for their collective, anonymous efforts (See Appendix E for a full list of LCC/ECC staff).

Although the LCC staff was small, preparations for the anticipated workload were being made in other departments. New positions were created in affected departments to assist with the LCC review process. A number of these staff were seconded from their home departments to work within the LCC. Foresters were particularly prized for their expertise in core, often contentious, issues. Returning to their home departments after assisting LCC reviews was, however, not always easy. Many were received coolly if LCC recommendations had been unfavourable to their department. Others were never able to return to their original positions.

Study groups

Downes, the former head of the Land Use Advisory Council (LUAC), played an important role in establishing the LCC's initial processes, many of which were modelled on the LUAC's. Study groups became an integral part of the LCC's methodology. Each study group was convened and led by the LCC research officer who had been appointed to investigate that region. Like the LUAC working groups, the study groups were multidisciplinary, drawing from experts in a variety of fields. In practice this tended to mean the members were nominees from different departments, although these were generally the most knowledgeable people in the area and had access to the information resources and local expertise in their respective departments.

The members of the study groups were central to the success of the LCC. The principal research officer from the Soil Conservation Authority, Frank Gibbons, was quickly appointed to many of the early study groups. His skill at summarising the debate and technical details relevant to an issue in a few concise sentences was highly valued by the LCC. Study group meetings were generally chaired by the LCC's principal research officer, or later by the Director of Land Use Planning.

Major parts of early reports were largely written by the study group members and the LCC research officer. Depending upon the make-up of the study group, this could lead to some striking divergences between chapters. Sections written by Forests Commission staff natu-

rally tended to have different perspectives from the sections written by National Parks staff. In these cases, the LCC research officer and editor faced an unenviable task. Technical editing in the early days was greatly facilitated by the formidable and meticulous skills of Yvonne Roberts, but divergent opinions on the study groups gave the LCC research officers and director more important headaches than those associated with editing the descriptive reports. Some study groups were highly supportive, making the investigative process flow smoothly and easily. Other members of study groups seemed intent only on sabotage. The study groups were a microcosm of the pressures facing the LCC at a Council level. But at both levels, the LCC process ploughed on with a relentless and stubborn determination that eventually saw even the most vehement detractors surrender to the inevitable and at least contribute to the process, no matter how much they might object to the outcome.

Public land use categories

While many of the LCC's methodologies were inherited from the LUAC, Soil Conservation Authority and Forests Commission, other processes were relatively new and quite unique. When the LCC started in 1970, the vast majority of public land was classified simply as unreserved 'Crown land'. National parks, wildlife reserves, reserved forests and a tiny handful of 'other' reserves were the only other means of defining public land. Along with this ambiguity of definition went ambiguity about the uses to which the land could be put.

After a few false starts in early studies, a process was developed to define and apply criteria for the different categories of public land use. Roger Cowley drafted the policy that led to the initial definitions of reserves.

By 1973–74, when the North-East regions were being investigated, a complete public land use system of twenty-three categories was in place.

By the late 1970s, the Council had clearly defined each category and the wording for recommendations on each category was standardised. Despite these pre-established formulae there was pressure with every report, particularly from Dimmick, to create new categories. Some staff cynically referred to this proliferation of categories as 'Dimmick's gimmicks'. Every report needed to make some new type of reserve. By 1988 there were 50 different categories of public land use. With so many different types of reserves and areas, the system was becoming unwieldy. Was it a Flora Reserve or a Flora and Fauna Reserve or a Wildlife Reserve? Was it a Regional Park or a Multi-Purpose Park? The differences were small and difficult for the public to grasp. From being inadequately specified, the public land use categories had become over-defined. It was time to start simplifying.

In 1994, the categories were revised and collapsed from up to 50 categories down to 19 (see Table 3.1). Within these 19 categories are sub-categories that allow some of the original detail to remain without so much confusion.

Table 3.1: Public land use categories: Past and Present system

Current/Umbrella categories (2004)	Earlier categories
Reference area	Reference area
Wilderness area	Wilderness area
National Park	National Park
National Heritage Park	
State Park	State Park Coastal Park
Regional Park	Regional Park Multi-purpose Park
Nature Conservation Reserve	Flora Reserve Flora and Fauna Reserve Wildlife Reserve (sanctuaries)
Coastal Reserve	Coastal Reserve
Natural Features Reserve	Cave Reserve Natural Features and Scenic Reserve Scenic Reserve Geological Reserve or Monument Geological & Geomorphological Features Reserve Wildlife Reserve (game reserves) River Murray Reserve Streamside Reserve Public Land Water Frontage Reserve Stream Beds and Banks Bushland Reserve Lake Reserve Highway Park Other Reserves and public land (Mineral Springs)
Water Production	Water Production (reservoirs and buffers)
Historic and Cultural Features Reserves	Historic Area Historic Reserve

Table 3.1: Public land use categories: Past and Present system – continued

Community Use Area	Education Area Recreation Reserve (sportsgrounds, etc) Parklands and Gardens Buildings in Public Use (schools, public halls, etc)
Alpine Resort	Alpine Resort
State Forest	State Forest Hardwood Production Uncommitted Land Forest Area Eucalyptus Oil Production
Plantation	Softwood Production School Plantation
Earth Resources	Mineral and Stone Production – ‘stone’ area Coal Production
Services and Utilities	Roadside Conservation Utilities and Survey (various uses) Township Land Other Reserves and Public Land Water Regulation and Drainage Cemeteries
Uncategorised Public Land	Township Land Other Reserves and Public land Revegetation Area
Land not required for public purposes	Township land Agriculture

Note 1: For marine waters the categories are Marine National Parks and Marine Sanctuaries, Marine Special Management Areas, Marine Parks and Marine and Coastal Parks, and Fisheries Reserves (Aquaculture). All remaining areas are Coastal Waters Reserve.

Note 2: Victorian Heritage Rivers, essentially natural catchments, and other areas with remote and natural attributes are statutory overlays on public land.

Note 3: Many of the earlier categories listed above still apply to parcels of land in many parts of the State.

Note 4: The right hand column includes several divisions of current categories.

Land classification

The second and more important issue for the public land use classification system was which areas should receive which classifications. What area of public land would be sufficiently large, wild and undisturbed to be declared a wilderness area to 'provide outstanding opportunities for solitude and primitive unconfined forms of recreation'? (LCC Management Committee minutes, 29/2/72) When is a narrow line of grassland along a road sufficiently 'scenic' and significant to local character and quality to be made a bushland or roadside reserve? To make these kinds of recommendations, the LCC needed accurate, thorough and comprehensive data on the environment across the state. There are few places in the world where such comprehensive data exist even now, and Victoria then was no exception. But the LCC did have a few starting points.

The Soil Conservation Authority had begun classifying land according to repeating patterns of climate, geology, topography, soils and vegetation. Geoff Downes had developed this land systems approach, first at the Commonwealth Scientific and Industrial Research Organisation and then as head of the Soil Conservation Authority. These patterns are relatively permanent. Even when the land is cleared, it is possible to identify what type of land system underlies the current vegetation and what vegetation would be there naturally. Across Victoria, 750 different land systems have been identified.

Although the Soil Conservation Authority had developed the methodology in the early 1970s, mapping Victoria had not progressed far. The arrival of the LCC gave a new urgency to the mapping programme, and the Soil Conservation Authority began mapping each region under LCC investigation. The LCC's insatiable appetite for data had begun an expansion of knowledge about the

Victorian environment that would never otherwise have occurred on such a systematic, comprehensive and wide-spread scale.

Other experts were more interested in the living features of a landscape, like vegetation, than the abiotic features of soil or geology. Various mapping systems focused on different priorities, depending on the interests of the people developing them. Foresters had mapped the occurrence of many commercial timber species (and some non-commercial trees) across large areas of the state. They had also developed excellent methods for classifying forest vegetation types according to their overall structure. Structural Vegetation Mapping classified vegetation types by the height of the tallest trees in an area, making aerial photography an important adjunct to the mapping process (Specht and Specht, 1999).

But Structural Vegetation Mapping was naturally dominated by trees – fine for foresters, but of less interest to those wanting to identify features of the entire vegetation pattern. How were grasslands, alpine meadows and wetlands to be classified? Even in forests, dramatically different understoreys can be hidden under the same upper canopy. The LCC needed to identify these patterns, but for the first decade or so it could only work within the methodologies and information available. The Soil Conservation Authority's land systems (or land types, as the LCC termed them) and the Forest Commission's Structural Vegetation Mapping were the best tools available at the time. More detailed biological features could be taken into account only through individual studies and local knowledge, rather than any more consistent system of mapping and data collection.

Not surprisingly, early criticisms of the LCC process tended to focus on its lack of quantifiable data and the

fact that many of its decisions appeared to be made on the basis of qualitative factors (Dargavel and Ferguson, 1974). Although qualitative data continue to play an important role in LCC decision-making, quantitative data have always played a greater role than some critics would allow. Commercial interests tend to equate ‘quantitative’ with ‘monetary value’, failing to realise that an assessment of the relative scarcity or significance of a particular vegetation type can be every bit as quantitative as the financial benefits of timber logs or gold mining. A tiny pocket of Plains Grassy Woodland may have little or no obvious monetary value, but its scarcity is measurable and quantifiable – it represents a vegetation community which covered about 13% of Victoria’s landscape prior to European settlement. Now, with only 2% of the original coverage surviving, Plains Grassy Woodland covers only 0.3% of the state.

Without a consistent and accurate method of mapping land types, the LCC would have had little chance of ensuring that significant, rare or threatened ecosystems were protected under its recommendations. It would also have had difficulties ensuring that the system of parks and reserves was representative across ecosystems. In conducting its surveys region by region, the LCC ran the risk of failing to take the significance of areas at a state level into account.

An ecosystem that was common in one area might be extremely rare across the rest of the state and vice versa. By placing its work within the context of State-wide land types and vegetation mapping, the LCC was able to improve the representation of all ecosystems in reserves.

But the demand for better mapping techniques and more information continued. Where information was lacking, the LCC contracted experts to produce surveys and

reports, helping to create the now thriving industry of botanical survey. Knowledge generated for the LCC was used by other sectors of the community; the wildlife survey industry, largely created to cater to LCC needs, now earns its bread and butter providing information to local councils, public land managers and industry.

By the mid-1980s, new mapping techniques were being sought by the LCC. Floristic Vegetation Mapping was originally developed in the 1920s (Braun-Blanquet, 1952) and was strongly promoted among Australian land management agencies in the 1970s. This method identifies patterns based on the common associations of different plant species, avoiding domination by trees (Whittaker, 1973). The East Gippsland review and the Mallee review of 1985 took advantage of this methodology, which was later combined with the 750 land types to produce the Ecological Vegetation Classes now used to classify every patch of remaining natural vegetation in Victoria and to model the original extent of natural vegetation removed (see Figure 3.2).

Social and economic factors

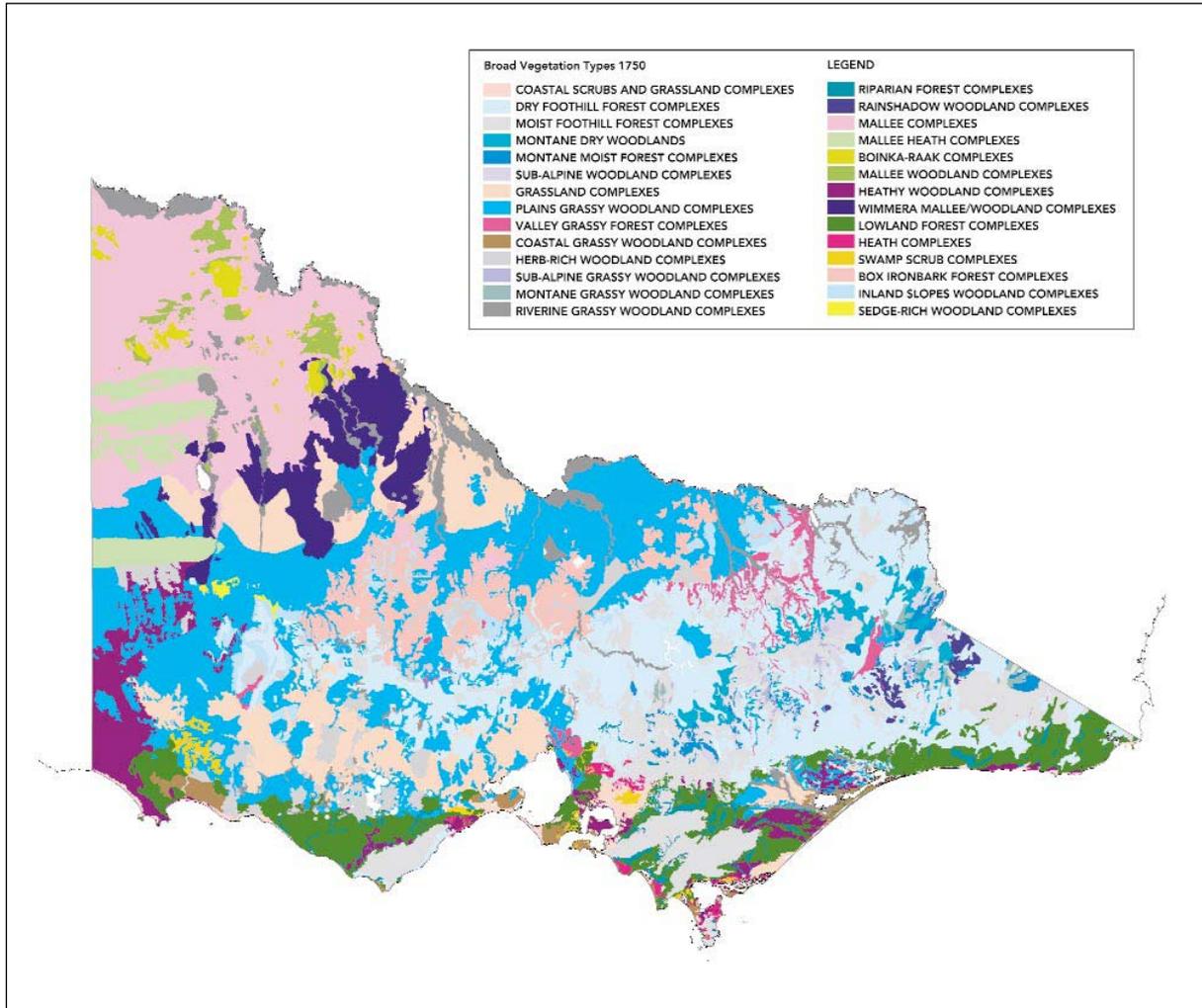
Another criticism of the LCC process was its failure to give sufficient weight to socio-economic factors – or, more specifically, to economic factors. This again formed part of the debate over the level of ‘quantitative’ data in the LCC reports and also reflected changing societal attitudes towards conservation. Increasingly, environmentalism was being seen as having real social and economic values beyond appeasing a particularly vocal interest group. The socio-economic benefits of conservation were starting to be taken seriously in policy debates, for example, by federal politicians in setting up the Resource Assessment Commission.

One Step at a Time



Field naturalists' trip to Plains Grassy Woodland remnant near Dookie

Figure 3.2 Pre -1750 Broad Vegetation Types



But, although it is easy to assign numerical values to economic factors, it is extremely difficult to predict them accurately. Socio-economic factors are even more difficult to quantify. What is the cost of a traffic jam? Of what value is the smell of clean air? How do people trade a cut in their salary for a preferable living environment?

Comparing apples and oranges is an intuitive activity that individuals can manage quite well, but it doesn't lend itself to financially quantifiable comparisons. Indeed, attempting to translate everything into financially comparable values may result in a less accurate outcome. Data that do not easily translate into financial terms tend to be ignored; yet these are often things like quality of life, which people rate very highly. For many years, the success of different national economies was rated entirely on the basis of their gross national or domestic product. Only in recent years has an effort been made to temper that with the value of retained natural resources and quality of life.

For its 1988 Statewide Assessment of Public Land Use, the LCC commissioned the eminent economist Jack Sinden to develop an economic methodology that took into account all aspects of public land environmental values and resources. Sinden's social cost-benefit analysis was initially greeted with scepticism by LCC staff, who heavily edited his draft, much to his chagrin. But despite this inauspicious start, Sinden's contribution was influential and his method has appeared, in one form or another, in all subsequent LCC and ECC studies.

Descriptive reports

All the available information was compiled into the descriptive report, summarising the issues and concerns about a particular region of public land. Over the years of LCC operation, the descriptive reports became more and more sophisticated. Driven by the data demands of the LCC and other environmental processes, more and more information has been collected on different regions. Techniques for data collection have progressed, and our ecological knowledge has expanded enormously. Presentation of the material has also become more accessible. Where the LCC reports were once fairly dry, technical documents, they became better written and more user-friendly for a wider public readership. The details and data remained, but they became easier to comprehend.

The descriptive report was more than just a stepping stone in the process of public land use decision-making. The reports themselves were a critical feature of the success of the LCC process. They set the scene for subsequent debates and established a basis of relatively uncontested facts. The ability to contest or add to the facts of the debate in the submission process enabled the debate to move on from identifying the problem to determining a solution.

Too often in land use debates, polarised opponents argue about the nature of the case, using statistics and descriptions selectively to support one side or another. The descriptive report short-circuited these protracted and often political games of one-upmanship. It attempted to provide a dispassionate and accurate summary of the facts, allowing the argument to move on. Even when groups disagreed with the final outcome of the recommendation process, they rarely disagreed with the facts underlying the recommendations (Scott, 1994).

The descriptive report ensured that all sides had access to the same information. Debates could be focused on specific issues, rather than being distracted by misinformation and inaccuracies. Equal access to information ensured that all parties in debates competed on a level playing field. Information was no longer a pawn in a power game to be used to claim exclusive expertise, or to finance and publicise a one-sided case. All interested groups could participate in the process, irrespective of their initial expertise or resources (Scott, 1994).

Of course, all these advantages would have come to nought without the perceived independence and objectivity of the LCC itself. When Borthwick developed the legislation for the LCC, he was committed to ensuring its independence from government interference. But throughout its history, the LCC had to fight attacks on its independence, from both within and without. The extent to which it succeeded was in no small part the extent to which it succeeded in its role as an independent arbitrator for all Victorians.

North-east I

Original study: Jun 1971–Nov 1973

This study was the first to apply the LCC's newly developed park recommendations (national, state, regional and multi-purpose) with an array of new parks. The first environmental educational area, forest area (reserved forest areas buffering parks from pines), and utilities and survey areas were also recommended. Extensive stringybark/box and peppermint/gum forests were not highly regarded for hardwood production and significant areas were recommended for clearing and conversion to pines. Large areas of land remained uncommitted (to be proclaimed as protected forest) allowing flexibility for future use.

The convention that was adopted in South Gippsland I, to nominate appropriate managing authorities for particular areas, was not explicitly followed in this study. The Council did, however, recommend that the present legal status of land and the management of public land be retained until the relevant authorities had the capacity to manage the area. This recommendation was coupled with a statement that there was an urgent need to make additional staff and finance available for on ground management, particularly to the National Parks Service.

Review: North-east I was reviewed in the Benalla-Upper Murray Review (see North-east 3, 4 & 5).

One Step at a Time

North-east 2

Original study: June 1971–July 1974

Mt Samaria State Park was the first recommendation for an appreciable area of high quality forest to be taken out of production. The Reef Hills Regional Park recommendation was disputed by the Country Roads Board as it could have affected the location of the Benalla Hume Highway Bypass. North-east 2 included the first flora and fauna reserve recommendations and the first historic area. The recommendations also trebled the existing softwood production area.

North-east 2 also saw a test of strength between the Council and the Soil Conservation Authority (SCA). The Authority considered that by recommending land uses in the proclaimed catchment of Ryans Creek, the Council was usurping the role of the Authority to determine land use in water supply catchments. In the Authority's view, the Council was supposed to only 'advise' the Soil Conservation Authority about use of public and freehold land in proclaimed catchments. However, the Council's view was that the Land Conservation Act was not subordinate to the Soil Conservation legislation and the Council proceeded to recommend a range of public land uses (hardwood and softwood production, uncommitted land, water production, reference area and historic area) for the Ryans Creek catchment, albeit with a rare dissenting view communicated to the Minister by the SCA and the State Rivers & Water Supply Commission. Later in 1974 the SCA approved a land use determination for the catchment, with boundaries based on soils and land capability. The government accepted the LCC's recommendations in 1977. The two land use plans were not mutually exclusive – they focused on different factors. That the SCA made this an issue reflects its resource conservation perspective based on the old nexus of forests, soil and water. But biodiversity conservation, recreation and public consultation, which were becoming more important in public land use planning, had not been considered by the SCA.

Review: North-east 2 was reviewed in the Benalla-Upper Murray Review (see North-east 3, 4 & 5).

Box-Ironbark Investigation: Part of North-east 2 was included in the Box-Ironbark Forests and Woodlands Investigation (see separate box).

Tribute to Roger Cowley (1940–1976)

The following motion to record the appreciation of the outstanding work performed by Mr: Roger Cowley, Senior Research Officer, who died on 30th April, 1976, was unanimously endorsed by Council at its meeting on 6th May 1976:

"Roger Cowley was the first research officer to take up his appointment with the Land Conservation Council, which he did on the 12th August, 1971. During his period of service with the Council he made a unique contribution to its work in that he, more than any other member of staff, helped to develop the philosophy of land use on which the Council's recommendations are based.

Roger Cowley was respected and liked by both his peers and those senior to him. Whenever difficult problems occurred or important decisions had to be made he was always consulted.

Roger had a great love for the Victorian countryside and was extremely well informed on all aspects of natural history. He was a noted ornithologist. His enthusiasm for his work was at all times obvious.

The Council recognises the major contribution made by Mr: Roger Cowley, particularly in the preparation of recommendations for the Melbourne Study Area. The Council wishes to convey its deepest sympathy to his father and members of Roger's family."

Social and Economic Studies

Provision of resources from public land and associated local employment can be affected by land use changes. To assist investigations, LCC commissioned several studies of the value of hardwood, softwood and grazing from public land. However conventional economics could not quantify non-market values of public land, or account for social impacts of changes. For LCC's Statewide Assessment, Professor Jack Sinden outlined new methods that could be applied. Subsequently for the Rivers & Streams study, the late Michael Read, Neil Sturgess, Rob Dumsday and colleagues evaluated the environmental and recreation values of proposed heritage rivers and undisturbed catchments against more tangible foregone resources value, and later did a similar assessment for Box-Ironbark proposals. Other groundbreaking economic studies evaluated: 'wood vs water' (see Melbourne 2 Review); use of public land for softwoods (see Ballarat Area); and impacts of recommended changes on timber workers (see East Gippsland Review). Economic studies also appraised Alpine and coastal towns, Mallee broombrush, historic sites and wilderness proposals.

One Step at a Time

Protection from politics

Being independent, and being seen as independent, was pivotal to the LCC's early success. Its independence and credibility spared government from blame for difficult public land use decisions. The government still had to approve and enact the recommendations, but ownership of those decisions belonged to the independent body of experts forming the LCC.

Borthwick had formed the LCC in a climate of opposition to conservation from many of his colleagues. For its own safety, Borthwick had to remove the LCC as far as possible from potential political intervention, even though that meant abdicating his own direct role in a process dear to his heart (an abdication for which he was soundly berated by his Country Party opponents). But Borthwick's faith in the process was such that he never attempted to intervene, even when the LCC was considering his own homeland, the Mallee region.

The outcome of the LCC's first investigation of the Mallee disappointed Borthwick. Pink Lakes had been made a park (an outcome Borthwick had strongly supported beforehand), but he felt that nowhere near enough park had been declared elsewhere in the region. Perhaps Bolte's statewide 5% conservation target lurked behind the LCC reluctance to reserve more of the Mallee. At the completion of the Mallee study, the area of Victorian land protected under major conservation

categories was already 4.6%. Although Bolte's target was only nominal, the LCC may not have wished to exceed it before reviewing other, more contentious areas, of the state. It was not until 1989 that Borthwick's faith in the LCC process was rewarded, when the Mallee review enlarged the Wyperfeld National Park to more than three times its original size.

The effectiveness of Borthwick's safeguards against ministerial intervention was tested, although perhaps not in the manner predicted, when a new Labor government was elected in 1982. With generally pro-conservation credentials and keen to be seen to be fulfilling their election commitments to environmental protection, this government had quite different reasons for interfering in LCC business. Where once the political environment had been somewhat hostile to new parks, the LCC now faced a political expectation of larger parks and more of them.

New reviews were instigated with expansion of parks in mind. Incomplete investigations suddenly had to adapt to a political environment where larger parks would be expected, not smaller ones. The new government had expressed concern about the extent to which native forest was being cleared for pine plantations and was elected on a policy of reviewing the State's softwood program. Sensitivity to political constraints had undoubtedly been a key to the success of the early LCC recommendations, yet with opposing interest groups and departments, the LCC had limited flexibility.

Independence and Bare-faced Defiance

It was testimony to the strength of the legislation – and of the LCC’s reputation – that the new Labor ministers largely resisted the temptation to impose direct ministerial pressure. For example, when a Labor staffer with excellent conservation credentials was proposed as the new primary production expert, the LCC chair protested that it would be unconstitutional and could invalidate LCC recommendations. The staffer was replaced by someone with more traditional farming experience (Scott, 1986).

The pressures of public service

Independence within the public service was also important. All too often small organisations like the LCC fall under the control of larger, more powerful departments. The Soil Conservation Authority had carefully guarded its control of the LUAC, but at the price of keeping a low profile. The early National Parks Authority effectively had its hands tied by the power of the Forests Commission representative on its board. The appointment of an ‘outsider’ as the full-time chairman of the LCC was crucial.

The legislative guidelines set out a process that could, in theory, almost run itself. But Dimmick was not a man to leave anything to chance. He carefully regulated and scrutinised every step of the process to ensure it would achieve the outcome he wanted. Each set of recommendations was presented to Council by the research officer in charge, the principal research officer, and later the Director of Land Use Planning. Unbeknown to most Council members, these early presentations were carefully stage-managed by Dimmick, who would tutor, heckle and harass the research officers at rehearsals

before the Council meetings. By the time of the presentation, the research officer would be almost word-perfect and able to cope with the most awkward questions.

In the early days, time was of the essence. Some people felt that the entire task of the LCC would take only a few years. Once it had reviewed the entire state, its job would be complete. LCC reports and recommendations made front-page news. Government and the public wanted decisions made quickly once an investigation began.

Dimmick strove to meet those demands. He drove his staff hard – so hard that many were unable to cope and left the organisation. Many highly skilled and trained LCC staff went on to take up promotions and positions of authority in other departments and organisations. Many others just left.



LCC Chairman Sam Dimmick at Mt Hotham with ski lift owner Des Schuman, 1973

Dimmick was not an easy man to work for. Under his auspices, LCC reports came out fast and furious. With no computers, everything had to be typeset and laid out by hand. Everything was due at the printers yesterday. In the midst of final proofing and layout, it was not uncommon for Dimmick to sweep the lot off the director's desk and deliver it to the printers himself (leaving the director to surreptitiously retrieve the manuscript from the government printers in order to finish working on it). Dimmick undoubtedly oversaw a highly productive government agency which, at its peak, had fewer than 20 staff, but the personal price for some staff was high.

Dimmick kept a tight rein on his team of workers, just as he did on his Council. As a full-time chairman, he saw everything that came into the office before it was passed to the Director of Land Use Planning and on to the relevant regional officer. And Dimmick would ensure that any issues were attended to promptly. His control was total. Impatience with delays to a report might result in the officer being taken off the job – a devastating professional blow.

The role of the Director of Land Use Planning, filled for many years by Mick Lumb, was as much that of mediator as manager. The contributions of LCC staff were never acknowledged on any reports or publications, despite their role in providing the Council with quality material. In the annual reports, the comings and goings of Council members were described in detail, but staff were only reported by a table of anonymous males/females, permanents/casuals (see Appendix E). While there is something to be said for maintaining the professional impartiality of LCC documents by not naming staff (credibility being derived from the organisation, not the author), lack of individual acknowl-

edgement did cause friction. Photos featuring research officers in the background would be surreptitiously slipped into reports, much to Dimmick's annoyance.

Dimmick's impatient nature manifested itself in many of his LCC activities. The drivers of his departmental car rapidly became high-speed experts; Dimmick had a legendary disregard for traffic, weather or even distance to destination. Council members, even ministers, could be left behind on excursions if they dared to be late. LCC staff who picked up people left in Dimmick's wake risked incurring his wrath as well as the annoyance of those they rescued.

Like many public servants of the 1960s and 1970s, Dimmick rigorously adhered to a hierarchical view of his profession. One new research officer who greeted Dimmick with a casual 'Pleased to meet you, Sam' was not spoken to again for the entire three years he worked at the LCC (Ransome, pers. comm.). Administrative staff were not to associate with, talk to or lunch with research staff. Research staff were not permitted to contact Council members on work issues, although they were encouraged to mix with them at periodic Dimmick-supervised social events.

Dimmick was an autocrat to his staff, but to his councillors he was often charming and entertaining. To his political superiors, he was amusing and interesting – a perfect public servant, with the emphasis on 'servant'. Dimmick lobbied the individual members of Council using a fatal mix of charm and authority, depending on the seniority of the member concerned. No doubt he used his impeccable social connections with the Melbourne Club and ex-premier Bolte to great effect in his efforts to 'woo' less well-connected departmental heads on Council.

Independence and Bare-faced Defiance

Just as the early presentations to Council were rarely spontaneous, Dimmick was a firm believer in the maxim ‘don’t ask a question unless you know the answer’. He knew his councillors well and could generally be certain of how they would vote at any particular time. He was alert to any signs of caucusing and could sense what he called an opposition ‘rump’ forming from a considerable distance. If a member was wavering, a vote might be delayed or, in extraordinary circumstances, brought forward.

The South West District 2 investigation of the early 1980s, for example, was a difficult and highly charged battle, with the Forests Commission waging a concerted campaign to keep control of the Grampians. Recognising the potential effect of prolonged lobbying during the period when recommendations were being developed, Dimmick called an early vote to support ‘in principle’ a Grampians National Park. The vote passed, the wind was largely taken from the lobbyists’ sails, and the final vote on recommendations again supported a national park – perhaps one of the LCC’s most surprising achievements, given the bureaucratic affiliations of some of its members.

Dimmick’s personal dominance was an important factor in offsetting the obvious bias towards public servants on Council. Only three of the Council members (excluding Dimmick himself) were from outside the public service. But this numerical dominance did not imply any kind of public service unity. At times it seemed that National Parks faced off with Forests on each side of the top of the table, with their respective supporters lined up down either side. In the early days of the Council, the independent experts (one from agriculture and two from conservation) reliably favoured the conservation side in most debates.

In a somewhat more difficult position were the representatives from the Lands Department and the Soil Conservation Authority. At first sight, one might think the Lands Department would be strongly opposed to any loss of their vast Crown lands empire, while the Soil Conservation Authority would naturally be supportive of the process, which was continuing much of the good work that they had started through the LUAC. But individual personalities were important as well as departmental affiliations.

Alan Holt, the Secretary of the Lands Department, was largely responsible for drafting the legislation underpinning the LCC. The support of the Lands Department, under Holt and later Colin Middleton, was undoubtedly pivotal to some of the LCC’s early success. By contrast, the Soil Conservation Authority chairman, Geoff Downes, was not personally inclined to support Dimmick. Downes, after all, had probably expected to be chairman of the LCC with all his experience as chair of the LUAC. Despite such personal tensions, however, the Soil Conservation Authority member of Council supported the achievement of balanced land use through conservation.

Other departments also had ambivalent attitudes towards increasing parks and reserves. The Department of Fisheries and Wildlife had a curious mix of staff: the flora and fauna research staff favoured conservation, while the wildlife enforcement staff supported hunting and fishing (hunting was often restricted in national parks). Although State Rivers and Water Supply staff often had an interest in protecting catchments from development, other elements within the same department were more concerned with protecting its ability to build future reservoirs and dam rivers. The historically powerful Department of Agriculture had relatively little

interest in public lands, and was an influential but impartial voter, unlike the Secretary of Mines who, like the head of the Forests Commission, generally formed the heart of the opposition to conservation recommendations. Just as the Forests Commission had a vested interest in maintaining logging access to parks and reserves, an ongoing issue for the Mines Department was access to the national parks for mining activities. The debate has been re-opened by every new Mines Department member joining the Council and has recurred, often without a satisfactory resolution, throughout the LCC's history.

Despite such obvious departmental allegiances, Council members were appointed as 'experts' in their fields, not as representatives of their departments. Dimmick was a vigorous supporter of this principle, and he had uncovered a ruling by Justice Street that gave the principle the force of legal precedent. In 1967 a dispute between members of the Board of Fire Commissioners of New South Wales had ended up in court. At stake was the issue of whether a board member was permitted to pass on information to the organisation he or she represented. Justice Street found unequivocally that a member of such a board 'becomes subject to the over-riding and predominant duty to serve the interest of the board in preference, on every occasion upon which any conflict might arise, to serving the interests of the group which appointed him. With this basic proposition there can be no room for compromise' (Street cited in Bennetts et al., 1967, p. 311). Street insisted that a board member is 'most certainly not a mere channel of communication or listening post on behalf of the group which elected him' (ibid, p. 310). Dimmick and his successors used this ruling to great effect when reminding Council members of their legislative responsibilities.

The changing face of the public service

But the greatest threat to the LCC's independence arose from changes to the public service that undermined the individual councillors' expertise and independence. When the LCC was initially formed, the Victorian public service largely operated under the traditional Westminster system. Public servants were recruited at an early age and many remained within their departments for their entire careers. Heads of departments came up through the ranks, and staff were both loyal to and knowledgeable about the particulars of their departments.

But from the 1970s onwards, storm clouds were gathering over the once stable and certain world of the public service. The very changes that brought the LCC into existence also brought the first gusts of the change that was soon to sweep through public life. The formation of a new Department of Conservation in the 1970s might have seemed like a much-needed breath of fresh air, but even the most worthy changes can have unforeseen consequences.

Before Bolte, Victorian governments had numbered their terms by months and years rather than terms or decades. Not surprisingly, stability of policy and government operation rested with the public service. Bolte's record seventeen-year term in office, however, gave Victoria a new model of political life. It was a model in which the politicians were around long enough, not just to give the policies administered by the public service a bit of a prod to the left or the right, but to set agendas and dictate policies. From Bolte's time on, the public servant began to move away from being a Jeeves-like family retainer and adviser, towards the role of independent contractor employed solely to act as a vehicle to implement government policies. Far from being lifelong permanent structures, departments could be reshuffled, renamed, amalgamated and divided.

Independence and Bare-faced Defiance

By the time of Hamer's premiership, reform of the Victorian public service seemed long overdue. The career structure stifled debate and made it difficult for newcomers, graduates and women to enter or remain in the public service. Restructures can be intrinsically satisfying tasks, giving a new government the image of strength and the appearance of activity. But such restructuring, no matter how worthy, can become addictive, even self-perpetuating and counter-productive.

A change of government

The Labor government of 1982 accelerated this process of dramatic changes to the nature of the public service (O'Neill, 1999). After 27 years of conservative leadership under Bolte and Hamer, the switch to Labor was part of a sea change in public opinion and expectation in relation to both government and the environment. While environmental issues were much more firmly on the agenda, the government was also expected to deliver on public accountability, transparency and consultation.

This ideological shift flowed on to the public service. Increased flexibility and accountability were the aims. Senior public servants were expected to develop management skills rather than build up experience within the same department. Outside appointments, particularly to top jobs, were desirable to bring new blood and fresh ideas into institutions that were regarded as old-fashioned and inflexible.

The changes may well have succeeded in their intended goals, but they had unforeseen consequences. Departmental heads were now more often expert man-

agers than experts in the work of their departments. A key strength of the LCC structure was being eroded. When the LCC membership was first drawn up, departmental knowledge and authority were vested in the same person, the departmental head. By the 1980s, departmental heads often carried only authority and relied on the advice and expertise of more junior staff. Knowledge had moved down the hierarchy, and the authority of a less expert manager could readily overturn the expert opinion.

One of the first of the major departmental rearrangements to affect LCC membership was the amalgamation of the major public land management authorities into a single department in 1985 – 86. The Conservation, Forests and Lands Department was a mega-department amalgamating the former Departments of Lands, Forests, National Parks, Fisheries and Wildlife and the Soil Conservation Authority (see Table 4.1). As an unintended consequence of this, the LCC now had five Council members who were from the same department, instead of independent department heads.

A British professor of town planning, Tony Eddison, was controversially brought out to run the new department. Familiar with the traditional hierarchies of public service life, but unfamiliar with the LCC's pugnacious insistence on independence, Eddison called together his divisional representatives on the LCC to discuss the new department's position on the latest issue facing the Council. Dimmick was not there to oppose him; he had unexpectedly died just two years earlier. The old warhorse would have turned in his grave at the thought of such a blatant 'rump' forming in his Council.

Table 4.1: The distribution of LCC seats in relation to different agencies

1971/2	1981/2	1983/4	1989/90	1992/3	1995/6
LCC Chair	LCC Chair	LCC Chair	LCC Chair	LCC Chair	LCC Chair
Lands	Lands				
Soil Conservation Authority	Soil Conservation Authority	Conservation Forests and Lands (5 seats)	Conservation and Environment (5 Seats)	Conservation and Natural Resources (5 seats)	Natural Resources and Environment (7 seats)
Forests Commission	Forests Commission				
Fisheries and Wildlife	Fisheries and Wildlife				
National Parks	National Parks				
State Rivers & Water Supply Commission	State Rivers & Water Supply Commission	State Rivers & Water Supply Commission			
Mines Department	Department of Minerals and Energy	Department of Minerals and Energy	Department of Industry and Office of Economic Planning	Department of Energy and Minerals	
Department of Agriculture	Department of Agriculture	Department of Agriculture	Department of Agriculture and Rural Affairs	Department of Food and Agriculture	
			Department of Planning and Urban Growth	Department of Planning and Development	
Conservation Council of Victoria	Conservation Council of Victoria	Conservation Council of Victoria	Conservation Council of Victoria	Conservation Council of Victoria	Environment Victoria
Conservation Council of Victoria	Conservation Council of Victoria	Conservation Council of Victoria	Conservation Council of Victoria	Conservation Council of Victoria	Environment Victoria
Primary Production	Primary Production	Primary Production	Primary Production	Primary Production	Primary Production
	Industry and Commerce	Industry and Commerce	Industry and Commerce	Industry and Commerce	Industry and Commerce
			Local Government	Local Government	Local Government

Note: The Director-General of Conservation, Forests and Lands (and later; Secretary, Department of Natural Resources and Environment) attended meetings from 1 March 1984 to 27 June 1990 under the provisions of s3(1)(e) of the Land Conservation Act, which provided for the Secretary for Lands or his nominee to be an LCC member. For more details on membership of LCC refer to Appendix D1.

Independence and Bare-faced Defiance

A fork in the road

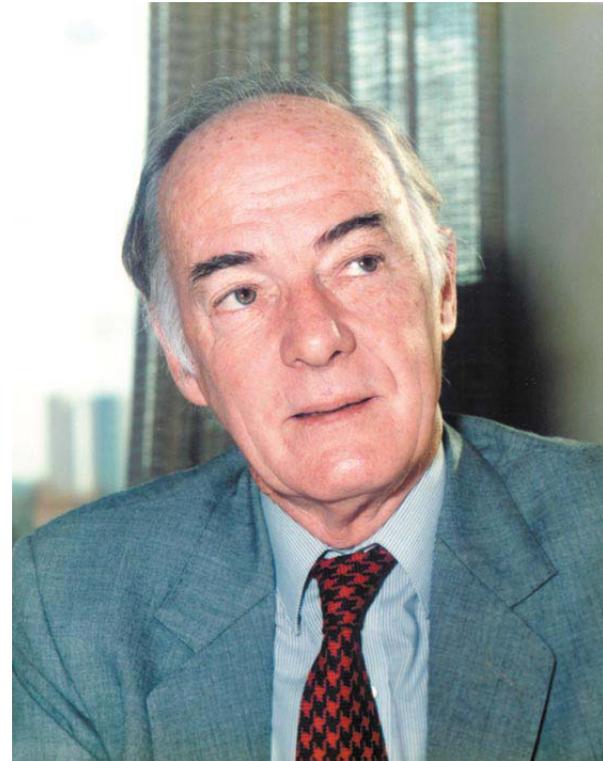
The death of Dimmick on July 9, 1984 left the LCC and its political masters in a quandary. Some felt it was approaching the time for the LCC to be wound up. Others felt there was clearly more work to be done. The Labor government was keenly aware of public pressure to revisit some of the LCC's more conservative earlier investigations. At the very least, the LCC had to be maintained while it completed investigations currently under way. The minister, Evan Walker, called the Director of Land Use Planning, Mick Lumb, to his office and summarily appointed him acting 'Chief Executive Officer'. Lumb was sent away to write up the appropriate 'instrument' for the minister to sign and make the position official. On Council, Dimmick's chair was occupied by his deputy, Alex Mitchell from the Soil Conservation Authority, while Evan Walker and his colleagues searched for a replacement for the inimitable Sam Dimmick.

In many ways, Dimmick's successor, David Scott, was the antithesis of his predecessor. With a background in human services, Scott was mild-mannered, consultative and considerate – a joy to his staff after the driving ferocity of Dimmick. Scott might have appeared an unlikely David to pit against the Goliath of the Conservation Forests and Lands Department, but he was no more inclined to have his LCC members corralled by a new departmental head than Dimmick would have been.

But both the public service and political expectations had changed since Dimmick's time, and Scott was increasingly fighting a rear-guard action to preserve the LCC's perceived independence. Scott explained to Eddison the legislative requirements of LCC membership and particularly the Street ruling, and Eddison assured him there would be no caucusing. The divisional heads within the Department of Conservation, Forests and Lands would

be entitled to vote as their expertise determined. 'However', Eddison was quoted as commenting, 'having argued out the issues in the department, I'd be surprised if they took a different view on the council' (Eddison, 1986).

Scepticism ran high among the other Council members. Rumours of 'rumps' abounded, and few were surprised when the Conservation, Forests and Lands delegates generally voted the same way. The remaining independent departmental heads were not happy about this turn of events. John Patterson, the representative for



David Scott, second LCC Chairman

Water Resources, felt particularly strongly about the ethics of the situation. Before one vote he reminded members in turn of their duty to vote independently. Some subsequently abstained.

The issue came to a head during the East Gippsland review, when one of the Conservation, Forests and Lands members sent a proxy, Rob Joy, in his place. When one vote was held, Joy voted for the proposal, while the rest of his colleagues opposed it. Eddison glared across the table, hastily scrawled a note to Joy, folded it in half, and passed it around the table. The note soon ‘fell’ open: it was reminding Joy of their earlier agreement to oppose the proposal.

Irate Council members who had seen the note soon informed Scott about its contents. Scott advised the minister of the concerns felt by Council members, and Walker arranged a meeting with Eddison, Scott and department staff to clarify the independence of the Council. Ultimately, however, it was not Walker but Eddison’s own ministerial superior, Joan Kirner (Minister for Conservation), who curtailed his influence. Unimpressed by his managerial achievements in other areas, Kirner cut short his appointment, and Eddison soon returned to England.

The ministerial shuffle

For its first eleven years of operation, the LCC had reported to the Minister of Conservation – first Borthwick and then Vasey Houghton. When Labor came to power in 1982, ministerial responsibility for the LCC remained in Conservation under Evan Walker, but when he was made Minister for Planning and Environment, responsibility for the LCC shifted with him (LCC Annual Report, 1983–4). It remained the responsibility of this ministry under Jim Kennan and Tom Roper and continued under the restyled Ministry of Planning and Urban

Growth under Andrew McCutcheon in 1990. Since the LCC was essentially a public land planning body, it was appropriate that it report to the minister responsible for private land planning as well. This shift also had the advantage of counteracting the increasing structural consolidation of the Department of Conservation, Forests and Lands. Although ministers took a ‘hands-off’ approach towards the LCC, there remained a risk that a minister responsible for the careers of five Council members might be perceived as exerting some influence over them, hotly though councillors and chairman alike denied such influence. Certainly the move to the Ministry of Planning gave a kind of joint governance to public land issues in Victoria, with the Planning Minister responsible for planning but the Conservation Minister responsible for implementing those plans (see Table 4.2).

Before many years, another round of amalgamations changed the LCC structure again. This time Water Resources were brought into a new Department of Conservation and Environment (along with the Conservation, Forests and Lands delegates). The number of departments represented on Council remained at four as the Department of Planning and Urban Growth was now represented on Council (see Table 4.1).

Two new members of Council were added in the early 1990s – a delegate from Planning and Housing and a member of a regional municipal council nominated by the Municipal Association of Victoria. These new members joined a representative of industry and commerce, whose position had been added to the Council in the early 1980s. With the restructure of the Planning Ministry in 1990, responsibility for the LCC returned to Conservation and Environment under Steve Crabb, then Barry Pullen, for the final two years of the Labor government (see Table 4.2).

Table 4.2: Ministries and Ministers responsible for the LCC and ECC

Year	Premier	Govt.	Ministries	Minister
1971	Bolte	Liberal	Lands	William Borthwick
1972	Hamer	Liberal	Lands	William Borthwick
1973	Hamer	Liberal	Conservation	William Borthwick
1974	Hamer	Liberal	Conservation	William Borthwick
1975	Hamer	Liberal	Conservation	William Borthwick
1976	Hamer	Liberal	Conservation	William Borthwick
1977	Hamer	Liberal	Conservation	William Borthwick
1978	Hamer	Liberal	Conservation	William Borthwick
1979	Hamer	Liberal	Conservation	W.Vasey Houghton
1980	Hamer	Liberal	Conservation	W.Vasey Houghton
1981	Hamer	Liberal	Conservation	W.Vasey Houghton
1982	Cain	Labor	Conservation	Evan Walker
1983	Cain	Labor	Conservation	Evan Walker
1984	Cain	Labor	Planning and Environment	Evan Walker
1985	Cain	Labor	Planning and Environment	Evan Walker
1986	Cain	Labor	Planning and Environment	James Kennan
1987	Cain	Labor	Planning and Environment	James Kennan
1988	Cain	Labor	Planning and Environment	Thomas Roper
1989	Cain	Labor	Planning and Environment	Thomas Roper
1990	Cain	Labor	Planning and Urban Growth	Andrew McCutcheon
1991	Kirner	Labor	Conservation and Environment	Steve Crabb
1992	Kirner	Labor	Conservation and Environment	Barry Pullen
1993	Kennett	Coalition	Planning	Robert Maclellan
1994	Kennett	Coalition	Planning	Robert Maclellan
1995	Kennett	Coalition	Planning	Robert Maclellan
1996	Kennett	Coalition	Conservation and Land Management	Marie Tehan
1997	Kennett	Coalition	Conservation and Land Management	Marie Tehan
1998	Kennett	Coalition	Conservation and Land Management	Marie Tehan
1999	Kennett	Coalition	Conservation and Land Management	Marie Tehan
2000	Bracks	Labor	Environment and Conservation	Sherryl Garbutt
2001	Bracks	Labor	Environment and Conservation	Sherryl Garbutt
2002	Bracks	Labor	Environment and Conservation	Sherryl Garbutt

The Kennett era

The changes wrought by the Labor government to the public service and the LCC set a precedent for the new Coalition government elected in 1992. Unlike their conservative predecessors in the Bolte and Hamer governments, the new Kennett government felt under no obligation to concern itself with a 'green' agenda. This government was formed by an often uneasy alliance between the Liberal and National Parties. As long-time critics of the LCC, the National Party finally had a voice in government. The government's policies were unabashedly pro-development with even national parks seen in terms of 'resources' for public use, rather than areas designated for protection (Economou, 1999).

The LCC was swiftly returned to the Ministry of Planning under Rob Maclellan. New investigations virtually evaporated. Despite numerous suggestions, the minister only requested one new investigation, the Historic Places of South-western Victoria Study – ironically, a ground-breaking study acknowledging the importance of human influences, rather than their exclusion, in the value of the landscape.

Efforts were even made to delay the recommendations of investigations currently under way. Introduced ceremonially at a Council meeting as the new minister, Maclellan seized the opportunity to propose that the review of the Melbourne District 2 area, then in progress, be postponed – a move long demanded by the timber industry. Scott was appalled by the minister's direct intervention on the Council and refused to allow any discussion of postponement at the meeting. Subsequent overtures by Scott using appropriate channels to discuss the proposal were pointedly ignored. Maclellan regarded Scott's behaviour as 'bare-faced defiance' (Scott, pers.comm.).

In 1992 the Department of Conservation and Environment was again restructured, shedding jobs and being renamed the Department of Conservation and Natural Resources. In 1994 Scott retired, three months before the eventual submission of the recommendations for the Melbourne 2 Review.

Independence and Bare-faced Defiance

North-east 3, 4 and 5

Original study: Mar 1973–Apr 1977

The LCC increased the existing Mt Buffalo National Park to 26 800 ha and recommended the new Wabonga Plateau State Park, Baranduda and Chiltern Regional Parks, and Mt Pilot Multi-purpose Park. An additional 6 530 ha was recommended for conversion to softwoods, and extensive areas of uncommitted land were to be used for hardwood timber production. This investigation established a precedent for the gradual 'phasing out' of timber production in some parks, in this case over ten years in the Wabonga Plateau State Park. Many believed this opened the door for the 'once only logging' approach later used in other areas, notably the Alps.

Ovens Softwood Special Investigation: Mar 1981–Nov 1981

North-east districts 3 and 5 were investigated in the Ovens Softwood Special Investigation to identify areas of public native forest for pine plantations. The Conservation Council of Victoria (CCV) brought an injunction against the Council for failing to carry out a proper investigation when the descriptive report appeared just one month after the Order for the investigation. The report was largely reworked from parts of the North-east 3, 4 & 5 investigation but the speed of its production was also hastened by Dimmick's desire to complete what he regarded as distracting investigations as quickly as possible. The final recommendations were, in any case, shelved when the Labor Government came to power in 1982 with a policy of halting clearing of public native forest for pines.

Benalla - Upper Murray Review: Jan 1984–Jan 1986

This review covered North-east 1, 2 and 4. A major issue was the future use of private farmland bought by the Albury Wodonga Development Corporation. The LCC initially had to seek a declaration such that land under the jurisdiction of the Corporation fell within the definition of public land in the *Land Conservation Act 1970*. Areas of steep hills and of the Murray and Kiewa floodplains were proposed for the Wodonga Regional Park and other specific uses, including reserves, but these areas were not formally transferred to the Department of Natural Resources & Environment until 1999. The LCC proposed several changes to the existing parks, a suite of historic areas and numerous small reserves, but only 25 ha for new pines.

Box-Ironbark Investigation: Parts of North-east 2, 4 & 5 were included in the Box-Ironbark Forests and Woodlands Investigation (see separate box).



River Red Gums, Wodonga Regional Park

Independence and Bare-faced Defiance

Mallee

Original study: May 1972–May 1977

LCC's largest study area, the Mallee contained huge areas of public land in the Big Desert and Sunset Country as well as important river red gum forests along the Murray. There was pressure from both conservationists and the Forests Commission to reserve large areas of the dry country. Recognising Bolte's 5% target, the Commission hoped that larger parks in this dry country might reduce the pressure for parks in other, more productive, areas of the State. A total of 205 000 ha of parks were recommended with much of the remaining land being 'uncommitted'. A comprehensive system of flora and fauna reserves and other small reserves were also recommended.

This investigation saw Council's only substantial recommendations for the alienation of public land with 73 200 ha recommended for alienation for agriculture. Another 34 000 ha was recommended for grazing and cropping under Limited Cultivation Leases administered by the Department of Crown Lands and Survey. The report cautioned that the proposed lease land was erosion or salt prone and the intensity of cropping would need to be carefully managed. Poor communications between the Council and Crown Lands and Survey resulted in confusion about grazing 'leases' and licences which were, in fact, required under the terms of the occupations to be cleared and cropped. When continuation of this use was not recommended there was an outcry from the landholders. Another major issue was the removal of grazing from the area of Pine Plains to be added to the Wyperfeld Park. The proposed recommendations included a 21-year phase-out period for grazing in all of Pine Plains. The final recommendations proposed a smaller addition to the park but did little to cool the heated response from the Mallee farmers to the initial proposal.

The Mallee contained the first 'wilderness' to be recommended by the Council although one proposed in the draft recommendations (but not the final recommendations) for East Gippsland preceded it. The Council's initial concept of a wilderness was strongly orientated towards recreational challenge and remoteness. This view later changed significantly to emphasise remoteness and protection of unmodified natural values.

Review: Jun 1985–Aug 1989

While Bolte's 5% target for the State may have constrained the size of the original Mallee conservation reservations, by the time of this review the total was already over 10%, and the Review took it to nearly 15% of Victoria. (In recent years a new Australia-wide protected areas target of 15% of the extent of pre-colonial vegetation has become widely accepted). Floristic vegetation mapping provided the LCC with the basis for a suite of new representative parks and reserves and large additions were made to the national parks in the Big Desert and Sunset Country, along with many new small reserves, especially around townships. In addition grazing was phased out in large parts of the Sunset Country and Mallee bush. As a proportion of public land in the study area, the recommended park and reserve area (at 74%) was the highest of any LCC region.

Melbourne

Original study: Jun 1971–Jan 1977

The Melbourne recommendations included the most detailed statements to date about the use of public land for various purposes and established the format used in later LCC recommendations.

The proposals recommended policies for dealing with public land management as well as the way in which public land was to be used. This drew a negative response from the government, perhaps stimulated by the land management agencies who felt that land use policy was outside the Council's legislative brief of land use rather than actual management. To circumvent this constraint, the Council endorsed detailed preambles to those recommendations that included statements of policy and management guidelines. This position was never challenged and all future recommendations adopted this approach.

The future of Melbourne's closed water catchments was a major issue. Effectively under the management of the Melbourne and Metropolitan Board of Works (MMBW), the natural values of these largely pristine forests were outstanding and to not include them in a national park would be seen by many as a major inconsistency. But a national park would normally allow recreation uses which could threaten water quality – a threat unacceptable to many Melbourne residents who expressed their concerns in the media and to politicians. As a result of the powerful MMBW lobby, the LCC compromised and recommended the Yarra Valley Multi-purpose Park but with low intensity recreation to be further investigated. This latter recommendation (and further MMBW lobbying) was probably instrumental in the government not accepting these recommendations – some of the few rejected by the government. However, attitudes change with time and when reviewed 17 years later, the Yarra Ranges National Park, including the catchments, was approved.

The inclusion of high quality timber in parks was also highly controversial. Both old growth and regrowth from the 1939 bushfires, particularly in the Cathedral Range area, were hotly contested along with a link to the Thomson and Aberfeldy valleys from Baw Baw National Park. Indeed, the link changed several times as increasingly intensive resource analysis revealed that proposed links included timber resources that appeared to expand with each re-examination. Twenty-nine small to moderately sized parks resulted and comprehensive recommendations were made for small blocks. In designing the national and state parks, Council avoided the most valuable mountain ash and alpine ash forests, but did include representative areas of tall forests.

Mapping for the Melbourne area used a cadastral base of property boundaries as distinct from the more commonly used simplified topographic maps. This posed considerable difficulties in defining catchment boundaries for a number of the reserves, and was only used again in the Mallee investigation.

Independence and Bare-faced Defiance

The Melbourne study saw reserve classifications fully developed with extensive descriptions of the different categories. Recommendations for individual blocks of hardwood forest production included the protection of specific faunal habitat and detailed guidelines for managing various forms of use. This level of detail was continued in most later investigations. The Senior Research Officer, Roger Cowley, who was instrumental in developing the philosophy on which the Council's land use classifications were based, died before the final recommendations for this area were completed. As a testimony to the quality of the proposed recommendations there were few major changes between the final and the proposed recommendations. Roger was one of the most significant figures in the early development of the LCC and its method of working. The tribute to Roger from the Council minutes is in a separate box, page 47.

In 1979 the Council was asked to review its proposals for a multi-purpose park in the Upper Yarra Valley, with the review excluding all land used for water catchment purposes. The Council provided advice that the area of land remaining become a multi-purpose park with detailed zoning and modified uses – the forerunner of the extensive Yarra Ranges National Park that was created in 1994. This was an informal investigation with no terms of reference or published report.

Review: Melbourne District 1, Jun 1984–Jun 1987

This review of the area west of the Hume Freeway used the established wording for policies and recommendations in proposing various small park additions and reserve upgrades. A key issue was the Alcoa mining lease in the Anglesea heathlands, which were of very high conservation value, but were committed to development for coal. Werribee Gorge and Organ Pipes were proposed new parks, with the Pyrete Range identified as an area of State Forest with very special values.

Review: Melbourne District 2, May 1987–Jul 1994

The MMBW began to relax its opposition to a national park encompassing the closed Melbourne water catchments and the LCC proposed the creation of the 80 000 ha Yarra Ranges National Park based around these catchments and adjoining state forest. Pressure from the logging industry to access the high quality mountain ash forests in the Yarra Basin catchments was a major stimulus for the MMBW's change of heart. A national park would block the timber industry's ambitions for the area. The MMBW was also being restructured as Melbourne Water (and Melbourne Parks and Waterways) and intended concentrating more on its role as a water wholesaler rather than a catchment manager. The Board and its successor however maintained a consistent view that the Yarra catchments close to Melbourne should be secured to supplying high quality drinking water and remain closed, particularly to logging and most recreation.

The upper Thomson area only became part of the Melbourne Water catchment in the 1970s with the building of the Thomson-Yarra tunnel and, in the 1980s, the Thomson dam. This area was not a closed catchment and continued to produce timber and cater to many recreational activities. Melbourne Water research showed that young mountain ash and



Hardwood sawmill, Central Highlands

Independence and Bare-faced Defiance

alpine ash regrowth consumed more water than old trees, allowing less water to be harvested. This reduction in water could be modelled, then costed and compared with returns from timber harvesting (which increased the area of regrowth). Subsequent economic 'wood versus water' studies costed various options – no logging, shorter and longer rotations, and strip thinning. Most options seemed economically more favourable than the existing practice of logging on an 80-year rotation, but no logging had the worst impact on jobs and there was no alternative source of hardwood for current commitments. The LCC took a neutral position, pointing to uncertainties in the analysis, and the need for more research. The end result was that the major new parks and reserves recommended in the catchment areas had only a relatively minor impact on the availability of timber resources.

Also recommended was a new Phillip Island State Park, including an unusual suggestion for the *National Parks Act* to be amended allowing the Department of Conservation and Natural Resources to delegate part of the park management to the Penguin Reserve Committee of Management. The delegated management went ahead but the area was reserved as the Phillip Island Nature Park under the *Crown Land (Reserves) Act* rather than as a State Park. Further recommendations upgraded and made small additions to parks, historic and natural features reserves, and numerous nature conservation reserves, including the Warrandyte–Kinglake nature conservation link through Christmas Hills.

A change to the *Land Conservation Act* following passage of the *Local Government Act 1989* enabled the LCC to make recommendations for public land within a 'town' (Crown land within cities and rural cities was still not considered as public land). This proved to be useful for the Town of Wonthaggi as there were numerous areas of significance, particularly related to coal mining history within the township.

Latrobe Valley Special Investigation: Aug 1986–Oct 1987 (See South Gippsland)

Hill End Special Investigation: Feb 1982–Jan 1983

Hill End Special Investigation was initiated to identify suitable land for conversion to softwood. This included investigation of suitable areas for APM Forests Pty Ltd to replace company land lost to coal development. The Council made no recommendations for any land for APM on the basis that the scheduling of areas for coal extraction was too uncertain at the time. The recommendations to convert native forest to pines were shelved when the Labor government came to power. Two recommended flora and fauna reserves were accepted. While only mentioned in passing at the time for fear of collectors, one of the flora and fauna reserves was created for its significance as breeding habitat for a rare species of butterflies.

Box-Ironbark Investigation: Part of Melbourne was included in the Box-Ironbark Forests and Woodlands Investigation (see separate box).

In the decade under David Scott, the LCC changed focus considerably. The first round of regional investigations had largely been completed in a massive flurry of work under Dimmick (see Figure 8.1). Scott oversaw the completion of the original Wimmera and Murray Valley investigations, but otherwise was primarily responsible for reviews of regions already studied. The political and community climate had changed since the completion of these earlier investigations. Early LCC recommendations were regarded as outdated and conservative by a new generation of environmentalists, and indeed by many in the Labor government. With additional information and different community expectations, the LCC was in a position to revisit some earlier studies and make recommendations that might have been too radical or unacceptable in earlier years.

Reviews were not the only new investigations, however. In line with its new lease of life, the LCC started to move beyond its original task of simply reviewing the state region by region. The old regional boundaries, which had once seemed so practical, were becoming increasingly outdated and arbitrary. Investigations began to take a more 'state-wide' thematic or ecological approach to issues.

Under Scott, investigations were begun into issues that crossed regional boundaries – the Rivers and Streams investigation and the Wilderness study. These new investigations had their origins in the Labor government's

State Conservation Strategy, rather than any particular feature of Scott's leadership. But a change that was undoubtedly due to Scott's chairmanship was the increasing role of consultation in the LCC process. And the success of consultation has been one of the defining features of the LCC.

The human touch

Systems for reviewing the value of public land for different uses are not new. In the early 1970s a number of competing systems were developed in different states. Some offered more sophisticated and impartial processes for decision-making than the one adopted by the LCC. Yet, unlike the LCC process, most of these systems have disappeared completely, and none were systematically or officially applied as a method of arbitrating difficult land use decisions. What allowed the LCC process to survive and succeed where other, perhaps technically superior, processes failed?

At around the same time as the LCC was beginning its surveys of the state, a computerised Land Use Planning program was developed by Commonwealth Scientific and Industrial Research Organisation (CSIRO) scientists Mike Austin and Doug Cocks. This system used linear programming to determine preferred land use options from bio-physical and socio-economic data on an area. It was initially developed using an area of the south coast of New South Wales between Bermagui

Look, Listen and Lead

and Ulladulla. The NSW Department of the Environment commissioned the work in order to develop a 'rational basis for planning decisions on a wide variety of land uses' (Austin and Cocks, 1978). A modified form of the programme is still available, as LUPIS (Land Use Planning and Information System), but its use as a systematic tool for public land use decision-making never eventuated.

While the Land Use Planning program was an excellent methodology for identifying and allocating values to regions, it made no provision for negotiated outcomes. One of the key lessons to emerge from the Little Desert dispute was that a significant sector of the community wanted to be consulted about issues affecting public land, and that ignoring that desire was politically dangerous. In addition to its 'expert' council and community representatives on Council, the LCC also had requirements for public consultation built into its legislation (see Appendix A). Two months were allowed for public submissions after the publication and publicising of the descriptive report. A further two months were allowed for public submissions on the proposed recommendations before the final recommendations were put to the minister.

Such a system was unusually consultative for the times, and Dimmick was not particularly inclined to move beyond the legislative requirements. He discouraged visitors to the LCC and disliked going out to the regions under review to speak to people. Often the task of direct public consultation fell to ministers and the Director of Land Use Planning.

On one visit to Barmah, Lumb carefully coached the Minister of Planning, Evan Walker, about the importance of listening to local opinions and not presenting a pre-determined agenda. The areas had many competing land use interests – graziers, duck-hunters, campers, timber-cutters and so on – all of whom would be there to meet Walker's party, ready to express their views on the proposed recommendations. Conciliation and openness to differing views, not antagonism, was Lumb's aim. But this strategy collapsed when the minister peremptorily introduced Lumb to 'explain to these people' why the LCC had created parks in the Barmah forest (Lumb, pers. comm.).

While Dimmick accepted the importance of the written submission process, he saw no need to provide further opportunities for discussion or dialogue. Once written submissions were made they became the property of the LCC, and discussion of the submissions with interested parties was strictly forbidden in Dimmick's presence. An increasing demand for transparency from public authorities, however, saw the advent of Freedom of Information (FOI) legislation, which made LCC submissions 'public' and available for scrutiny. From that point, the LCC allowed access when sought through FOI channels. By the time Scott arrived, there was an evident need for improved public consultation, and Scott was exactly the right man to deliver it.

A consultative chairman

Like his predecessor, Scott had little background in conservation other than a general appreciation of the natural landscape. He joked that his outdoor experience was limited to a camping trip with the LCC Director of Land Use Planning, Mick Lumb. Lumb recalled that Scott had embarked on the camping trip quite unprepared, with a flimsy synthetic sleeping bag barely adequate to keep warm in a heated house, let alone outside. Lumb offered his own sleeping bag and spent the night in freezing martyrdom. His sacrifice, however, went unappreciated; Scott emerged in the morning with mildly indignant complaints of having been 'a bit cold!'

Unlike his predecessor, Scott saw real value in public consultation. With a background in human service organisations like the Brotherhood of St Laurence and Community Aid Abroad, he had a much greater interest

in the human impact of LCC processes and a strong intellectual understanding of the benefits consultation could bring. Scott encouraged visitors and lobbyists to discuss their concerns directly with himself and LCC staff. He launched descriptive reports and proposed recommendations at public meetings in the regions concerned. His enthusiasm for public consultation landed the LCC in situations that horrified his more experienced staff. One of his very first investigations was the contentious review of East Gippsland.

East Gippsland was one of the few regions in Victoria still carrying substantial old-growth forests, particularly since the devastation of the central highlands forests in the 1939 fires. The vast areas of public land in the area made LCC recommendations extremely influential. Many locals bitterly opposed any reserves that would reduce jobs and income from the logging industry, while conservationists were adamant the old undisturbed forests required high levels of conservation.

The reduction of logging quotas to sustainable levels had already created a tempestuous environment. In line with his commitment to public involvement, Scott decided to announce the proposed recommendations at a public meeting in East Gippsland. Many regarded his enthusiasm as foolhardy. The meeting was initially set for a Friday night in a large venue, but Scott was warned that, as the mills closed at 3pm on Fridays, there was a good chance of angry workers attending the meeting in a well-lubricated condition. Scott hastily moved the meeting to a Tuesday night. The meeting progressed with heat, but reasoned constraint, on all sides. A pattern of public briefings for regional recommendations was set.



Timber millers and workers meeting, Orbost, 1986 – David Scott (LCC Chairman), Ian Miles (LCC research officer), Jeff Wright (meeting chair and former EPA Chairman), Mick Lumb (LCC Director, Land Use Planning)

The benefits of consultation

Scott appreciated that consultation served numerous vital functions in the LCC process. It enabled the LCC to fill in the gaps in its information base. Submissions to the LCC varied from hundreds of single-page form letters opposing or supporting specific issues to long, detailed documents exploring the minutiae of local circumstances.

The Victorian National Parks Association religiously submitted detailed commentaries, making it an important contributor of information to the process. Local field naturalists clubs were another vital source of local information. No matter how thorough the survey work, nothing could substitute for the detailed, seasonal and long-term observational data of the skilled and committed enthusiast. Only local knowledge could detail which species bred where and how regularly, or identify the sites where rare orchids appeared perhaps only once every few years, or chart the shifting patterns and processes affecting particular regions.

Consultation served an educative function. The opportunity to engage in a constructive debate over an issue tended to force participants to acknowledge alternative perspectives. Sometimes firmly held beliefs were simply incorrect. Often the abundance of rare species in areas was disputed because people misidentified common species (confusing, for example, the common Yellow-tufted Honeyeater with its critically endangered subspecies, the Helmeted Honeyeater). Consultation allowed such misunderstandings to be rectified, restoring the faith of both sides in the accuracy of the process.

At other times, firmly held beliefs simply opposed one another. Consultation enabled opponents to consider each other's position and accept that some compromise

must be reached between them. Such negotiation and education did more than simply enlighten the participants; it also moved public debate forward. Participants understood the issues, and why decisions were made, even if they didn't agree with them. Having participated in the process, and with a better understanding of the underlying issues, participants were less likely to oppose the final results of the process. Consultation resulted in greater public ownership of the decisions, and it was this that gave the LCC process its greatest advantage over other systems.

Despite the improved consensus afforded by the consultation process, it was not a consensus decision-making process. Unlike mediation, where differences between two parties are resolved with the assistance of a neutral facilitator, the LCC was neither entirely neutral nor primarily concerned with helping others resolve their differences. Unlike negotiation, where parties meet on equal terms to discuss and compromise, the recommendations were made by the LCC, not by the public, and the final decision on implementing the recommendations rested with government. Nonetheless, Scott noticed that the LCC's consultation process had some of the beneficial effects of both mediation and negotiation (Scott, 1994). Consulting with interested parties typically had a mediating influence. Similarly, compromise between competing interests was an inevitable part of the LCC process, and negotiation played a key role in the formulation of recommendations.

The ability of the LCC process to take into account apparently subjective data was often paraded as one of its greatest weaknesses. It allowed for accusations of subjective, biased decision-making (Dargavel and Ferguson, 1974). And yet this very 'weakness' was also one of

its greatest strengths. The ability to take on board all facets of community opinion and knowledge, whether qualitative or quantitative, whether grounded in complex statistical analysis or carved into the heart and souls of local communities, made the LCC open to the full gamut of human experience. Its decisions were inclusive rather than exclusive. They took advantage of the huge reservoir of experience and knowledge in the community outside government departments. Not everyone would agree with the outcomes, but everyone had an opportunity to voice their concerns and make their contributions heard.

Similarly, the human flexibility of the LCC process enabled broader political and social issues to be taken into account. While the consultation process facilitated education and moved the broader community forward with the debate, rock-solid community opposition could also be acknowledged. Ninety-six percent of LCC recommendations were accepted by government without change, but not just because they were ‘good’ decisions in an objective and scientific sense (a further 2% were accepted with some amendments). The importance of making palatable, acceptable recommendations could also be acknowledged within the LCC process.

Indeed, acceptability was one of the most important issues in the early LCC investigations. If the first few recommendations had been rejected, the LCC might well have died an early death, or at least set a precedent for governments to ignore unwelcome recommendations. The early Council members were very aware of the importance of setting the right precedent early in the process, and while direct political influence was discouraged, political realities (in the broadest sense) were acknowledged.

Between a rock and a hard place

The ability to compromise did not please all parties. Conservation groups, in particular, found the early LCC to be something of a closed shop. Despite the presence of Conservation Council of Victoria representatives, many groups felt their views were not adequately represented.

As the conservation movement grew, its ambitions and aims became more radical. Smaller special-interest groups were formed to take up particular issues. Both Turner and Landy were committed conservationists, but neither could be termed ‘radical’ (Mercer, 1979). Increasingly it became difficult for the more conservative Conservation Council of Victoria representatives to cater for all these differing needs. In 1979 the Conservation Council of Victoria voted for new representatives, Joan Lindros and Bill Holsworth, who began a far more consultative representation within their own organisation. They and their successors (see Appendix D) reported back to the Conservation Council of Victoria regularly and allowed fuller discussions of issues before the LCC to take place.

Dimmick’s tight rein on public submissions was galling to lobbyists from both sides, who wanted more information on who was applying pressure on the LCC. Some conservationists, for example, found it easier to gain copies of submissions directly from their opponents than from the LCC or government departments (Mercer, 1979). In a climate of increasingly radical conservation demands, the LCC was already under pressure to become less concerned with the needs of industry and government and more protective of environmental values. In the decade of Scott’s leadership and with fresh blood from the Conservation Council of Victoria, the

Look, Listen and Lead

LCC increasingly recognised those demands. But, despite the improvements in consultation, LCC recommendations inevitably resulted in some disappointment for all interest groups.



ECC Members Eda Ritchie, John Lovering and Jane Cutler meet VNPA's Charlie Sherwin near Graytown

In the hotly contested South West 2 study, the Victorian National Parks Association branded the boundaries of the proposed Grampians National Park as 'absurd' and registered its 'severe dissatisfaction' with the proposals (Johnson, 1981). The Grampians Fringe Association which opposed the park, was equally 'appalled' by the recommendations which were 'worse than the Association feared' (Corker, 1981). Such discontent continues to the present day with the Chamber of Mines trumpeting 'Box-Ironbark mining disaster', while the Victorian National Parks Association bemoaned 'Box-Ironbark: compromised to death' in response to the draft recommendations. Common ground is never easy to find, and the middle road is not always the most comfortable one.

Although it would never be able to satisfy the demands of all conservationists (just as it would never satisfy the demands of all foresters, graziers or any other interest group), the LCC did substantially open up its consultation process and allow a more transparent, more inclusive system of decision-making. Its structure allowed it to take into account broader political constraints on its conservation recommendations, though these were criticised by conservationists as a self-imposed censorship (Mercer, 1979). It was also able to sense the winds of change sweeping through the broader community in the 1980s and stretch its conservation wings accordingly.

Other states began to recognise the value of the LCC process for resolving public land use debates and Scott was consulted on similar models for Tasmania and Western Australia. Scott also promoted the consultative model for other projects, such as the Very Fast Train link between Sydney and Melbourne.

In the 1990s, however, the environmental movement in Victoria came up against a new global movement of economic rationalism. The newly elected conservative

government had an agenda that emphasised fiscal rather than social or environmental responsibility, and any outstretched conservation wings were set to be severely clipped.

A conservationist chairman

When Scott retired in 1992, his replacement as LCC chairman was the Director of National Parks, Don Saunders. Having served on Council since 1979, Saunders was an old hand when it came to LCC issues – perhaps a useful skill under the difficult political circumstances of the 1990s. Maybe it was a sign of the changing community expectations, or the established reputation of the LCC, that the new chair did not have to be naïve to the conservation debate.

Unlike his predecessors, Saunders had impeccable conservation credentials. Not only had he been Director of National Parks and, for a time, Director of Conservation and the Environment, but he was a rare survivor from the time when heads of departments were also experts in their fields. Despite his administrative success, and unlike either Scott or Dimmick, Saunders was very much a ‘field’ man. The respect he had garnered within his department was apparent in the behaviour of every National Parks staff member he encountered on field trips with the Council. His management style was informed, hands-on and highly respected. But neither experience nor expertise could have prepared Saunders for the dramatic changes to come.

‘Finis (?)’

Having struggled under Maclellan and the Ministry of Planning for three years, the LCC was moved in 1996 (with something like a collective sigh of relief tinged with some apprehension) back to the Ministry of Conservation and Land Management, now under Marie Tehan (see Table 4.2). The Historic Places of South-western Victoria Investigation and the Marine and Coastal Investigation were continuing and the Box-Ironbark Study had commenced.

Tehan had just completed a massive restructure of the public health service. She was now responsible for yet another restructure of the natural resources sector of the public service. This time the Department of Food and Agriculture and the Department of Minerals and Energy were amalgamated with the Department of Conservation and Natural Resources to form the Department of Natural Resources and the Environment. The Planning and Development position on the LCC was dropped. LCC membership now consisted of a part-time chairman (Don Saunders), seven representatives from the Department of Natural Resources and Environment and five external representatives (see Table 4.1). Departmental consolidation on Council was complete.

But the Council barely had time to accustom itself to the new monolithic department and the consequent shift in its membership structure, when Tehan dropped the real bombshell in May 1997. After twenty-six years of negotiating the minefield of public land use disputes and setting up a model that was admired and emulated in other states and countries, the LCC itself was to be abolished.

Corangamite

Original study: Feb 1974–Sep 1978

Relatively little of this region (15%) remained in public ownership, most having already been alienated and cleared. Key issues included the Otway Ranges mountain ash forests and proposed national park, the mixed species forests, Angahook–Lorne State Park and the conservation of small vegetation remnants on the basalt plains. Some public land at Irrewillipe cleared by the Rural Finance Commission for agricultural use was recommended for softwood plantation. The area was later reduced and parts used for more farms, and the remainder planted to softwoods.

An unusual feature of the recommendations was the creation of Lake Reserves. The system of lakes throughout the region varies in level of salinity and value as wildlife habitat. Some lakes were recommended as Wildlife Reserves and others as Lake Reserves, although the distinctions between the uses permitted in the two categories were not altogether clear. Conservation management was emphasised in Wildlife Reserves while the purpose of Lake Reserves seemed to be to secure some lakes within the reserve system, rather than simply unreserved Crown land or land for 'public purposes'.

Recommendations for a regional park, reference area and education area in Framlingham Forest, adjoining (and previously part of) the Framlingham Aboriginal Reserve, were not accepted by the government. The Aboriginal community claimed the land, and the LCC was asked by the Minister for further advice. Consultant Dr Diane Barwick prepared a detailed report on the reserve's history and Aboriginal associations with the area. Negotiations proceeded until 1982 when the land was handed over to the community. Later LCC and ECC investigations usually included an Aboriginal associations consultancy as a matter of course.

Special Investigation: All of Corangamite was included in the Historic Places Special Investigation (see separate box).



Fishing, Hopkins River near Warrambool

North Central

Original study: Feb 1976–Feb 1981

The newly formed Prospectors and Miners Association of Victoria (PMAV) spearheaded a campaign to oppose new parks in North Central which might restrict their activities. While conservation needs were great, the prospectors and miners successfully lobbied to limit park areas proposed for the region to a few small state parks, most of which permitted prospecting.

Although sawlog production was not high, the box and ironbark forests of the North Central region yielded socially important supplies of firewood, fence-posts and poles. The widespread and dispersed nature of the production of these products also posed a considerable obstacle in delineating significant parks. The low proportion (15%) of public land in this study area was the setting for the relatively low proportion of parks and reserves recommended (16% of the public land).

The first comprehensive survey of historic sites on public land was conducted by consultants Jacobs Lewis and Vines. The study formed the basis for the establishment of historic areas and reserves. These protected many sites on public land of considerable significance, particularly for the mining history of the region. Most subsequent LCC and ECC studies included a heritage review.

Special Investigation: Part of North Central included in Historic Places Special Investigation (see separate box).

Box-Ironbark Investigation: Most of North Central included in Box-Ironbark Investigation (see separate box).

South-west 2

Original study: Feb 1976–May 1982

The proposed creation of a national park in the Grampians Ranges was the central issue of the investigation. This area had long been managed by the Forests Commission as a 'forest park', and was cited (by the Commission and others) as a demonstration that the Commission was a competent authority to manage parks while at the same time allowing limited timber harvesting. Fire management was uppermost in the minds of many locals and their views supported an initial proposal, discussed by the Council in 1979, that a national park be established and managed by the Forests Commission in an interim arrangement with a gradual transition to management by the National Parks Service. The conservation movement quickly rejected this proposal and both the draft and final recommendations saw the National Parks Service as the recommended managing authority. The draft report's patchwork of park and forest became a large national park in the final report. While the Grampians dominated the investigation (and the landscape), the Council also recommended numerous smaller parks and reserves in the remaining fragmented public estate.

Special Investigations: All of South-west 2 was included in the Historic Places Special Investigation (see separate box).

Box-Ironbark Investigation: Part of South-west 2 included in Box-Ironbark Investigation (see separate box).



Prospector using metal detector; Tarnagulla near Bendigo

South Gippsland 2

Original study: May 1978–Nov 1982

Public land in the Strzeleckis was highly fragmented due to failed early land settlements which had reverted to the Crown or been purchased by the government and APM Forests Pty Ltd. The major issue revolved around whether the cleared public land should be reforested with mountain ash or used for softwood plantations. Apart from Wilsons Promontory National Park and Venus Bay – Waratah Bay Coastal Park, the recommended land-based parks and reserves were small and piecemeal. The Council did recommend that the very small (total 220 ha) Tarra and Bulga National Parks be enlarged and combined into a 1300 ha Tarra Valley – Bulga State Park. The park was expanded but also retained its national park status. Unusually, the Council also recommended that the Government consider a land exchange program to incorporate areas owned by Australian Paper Manufacturers Pty Ltd into the new park.

The Marine Reserve recommended around Wilsons Promontory and Marine and Wildlife Reserves in Corner Inlet, Nooramunga and Shallow Inlet were precursors of the later ECC recommended marine national parks.

Gellions Run Special Investigation: Jan 1981–May 1981

There was little of controversy in this investigation. Uncommitted land contained most of the brown coal resource with a portion being recommended as a flora reserve.

Latrobe Valley Special Investigation: Aug 1986–Oct 1987

This area included parts of South Gippsland 2 as well as Melbourne District 2. The study looked at land held by the State Electricity Commission (SEC) for future brown coal development and protected for that use by planning controls. Some areas with natural or recreation values, or needed in future for coal, were recommended for retention; other areas were recommended for disposal. Later when the SEC was to be dismantled, much of this land was reviewed (in an informal investigation) by the LCC, and many of the recommendations to 'retain' land for future coal development were revoked.

Patterns of land use

The achievements of the LCC by 1997 were indisputable. All public land in Victoria, in 17 study areas, had been investigated once in the past 26 years, much of it twice. Over 6000 recommendations had been considered by government, and 96% of them had been accepted without change. A further 2% had been accepted with minor amendment. The proportion of public land reserved for conservation had increased from 3% in 1970 to 40% in 1997. Most of Victoria's major vegetation types had been represented in reserves. Those that were poorly represented in reserves typically were those that did not occur on public land (Scott, 1994).

The dramatic metamorphosis wrought to the Victorian landscape by the LCC can be visualised by comparing public land classification in 1970 with that in 2005 (see Figures 6.1 & 6.2). Where once the vast majority of public land in Victoria was classified as Crown land or reserved forest (both available for logging, mining and other forms of commercial utilisation), the picture is very different today. Very little Crown land is left for indeterminate use or allocation. Larger areas of forested land have been explicitly reserved as State Forest, rather than being simply available by default. But more dramatic still is the expansion of the red and pink areas of national, state, coastal and regional parks. At the heart of the largest parks are swathes of designated 'wilderness', which, along with smaller reference areas, are afforded the highest level of protection of all.

Not surprisingly, given Victoria's history of intensive agriculture and early settlement, the largest areas of reserved conservation land are found in the densely forested east and in the arid north-west of the state. Far from being a reflection of the relative merits of wilderness values in mallee desert or tall forests, this simply reflects the history of the State's land use. Few areas of public land – or indeed of native vegetation – have been left on the highly productive Western Plains. The vegetation of the gold-producing northern central districts is also highly depleted, and public land there is very fragmented. Similar conditions exist in the Latrobe Valley corridor south of the Great Dividing Range. Only the deserts, high mountains and forests have been protected by their extremes of climate and vegetation long enough to reach the era of nature conservation unalienated.

Agriculture

Pressure to develop land for agriculture has been one of the driving forces behind public land use debates since the formation of the Victorian state. The Rural Reconstruction Commission of the 1940s had recommended land utilisation committees primarily to ensure that only land suitable for agriculture was alienated for the purpose of soldier settlement. This recommendation stemmed as much from concern over the human cost of failure in the settlement programs as from fear of any long-term ecological damage. Borthwick's own experience of failed soldier settlements in his Mallee district

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birthplace made him acutely sensitive to such inappropriate development, but he was nonetheless the Minister for Conservation, Lands and Soldier Settlement. The Little Desert dispute itself had illustrated that the issue of settlement for agriculture was still a driving force in the public land use debate.

But in many ways, the Little Desert was the last gasp of the push to develop significant areas of Victoria for agriculture. The best lands had already been put under plough and hoof. Any future development could only be proposed for land of relatively marginal farming value. By the 1960s, a more profitable role had been found for public land of marginal agricultural interest.

Pines

In 1966, the LUAC was instructed to identify 6000 hectares of land suitable for pine plantations each year (Robin, 1998). The driving motivation behind this directive was the linking of federal funding to the area of land converted to softwood plantations under the Commonwealth-States Softwood Forestry Agreements Act of 1967. A national goal of three million acres was set for the year 2000 with a target of a quarter of 0.26 million acres for the first five years from 1967 to 1971 (South-west 1 Descriptive Report, 1972). During that period the Victorian authorities planted 50,000 acres of softwood plantations.

The LCC inherited this continuing task. Not surprisingly, one outcome of the very first meeting of the incipient Council was the formation of a Softwoods Planting Sub-Committee. Many of the regional boundaries defined in the first days of the Council were formed with the task of this committee in mind. The South West and North East regions encompassed areas of current and potential pine plantations.

The very first investigation carried out by the LCC, in the South-West region near Portland, was dominated by the issue of pine plantations. Pines had been proposed for environmentally sensitive areas in and around the Lower Glenelg National Park and the Kentbruck Heath. But despite the emphasis on pines in national and state policies, disquiet was already apparent within LCC ranks. Replacing remnants of indigenous forest with pine plantations did not seem to 'balance' the use of Victoria's remaining public lands.

Just a few months after the LCC's formation, the Softwoods Sub-Committee called on the state government to seek additional federal funds to purchase already cleared surplus or marginal agricultural lands for pine plantations. Such funds would assist in rural reconstruction as well as 'obviating the need to use for softwood plantations so much of the public land already under indigenous forest' (Minutes, Softwood Sub-Committee, 6/9/1971).

The LCC investigation of the South West 1 region was not particularly favourable for pine plantations. While recognising the political necessity of allowing some public land (15,540 hectares) to be converted to pines, the LCC recommended heavy restrictions on any such expansion. Wildlife corridors were to be provided through the retention of native vegetation, strips along roads, rivers and private land boundaries. Plantations were restricted to a maximum plantation size and large-scale burning and clearing was regulated. The Lower Glenelg National Park was expanded to include Kentbruck Heath and other regions of environmental significance (South West 1 Final Recommendations, 1973).



Pine plantation, Bright

Figure 6.1: Map of public land use 1970

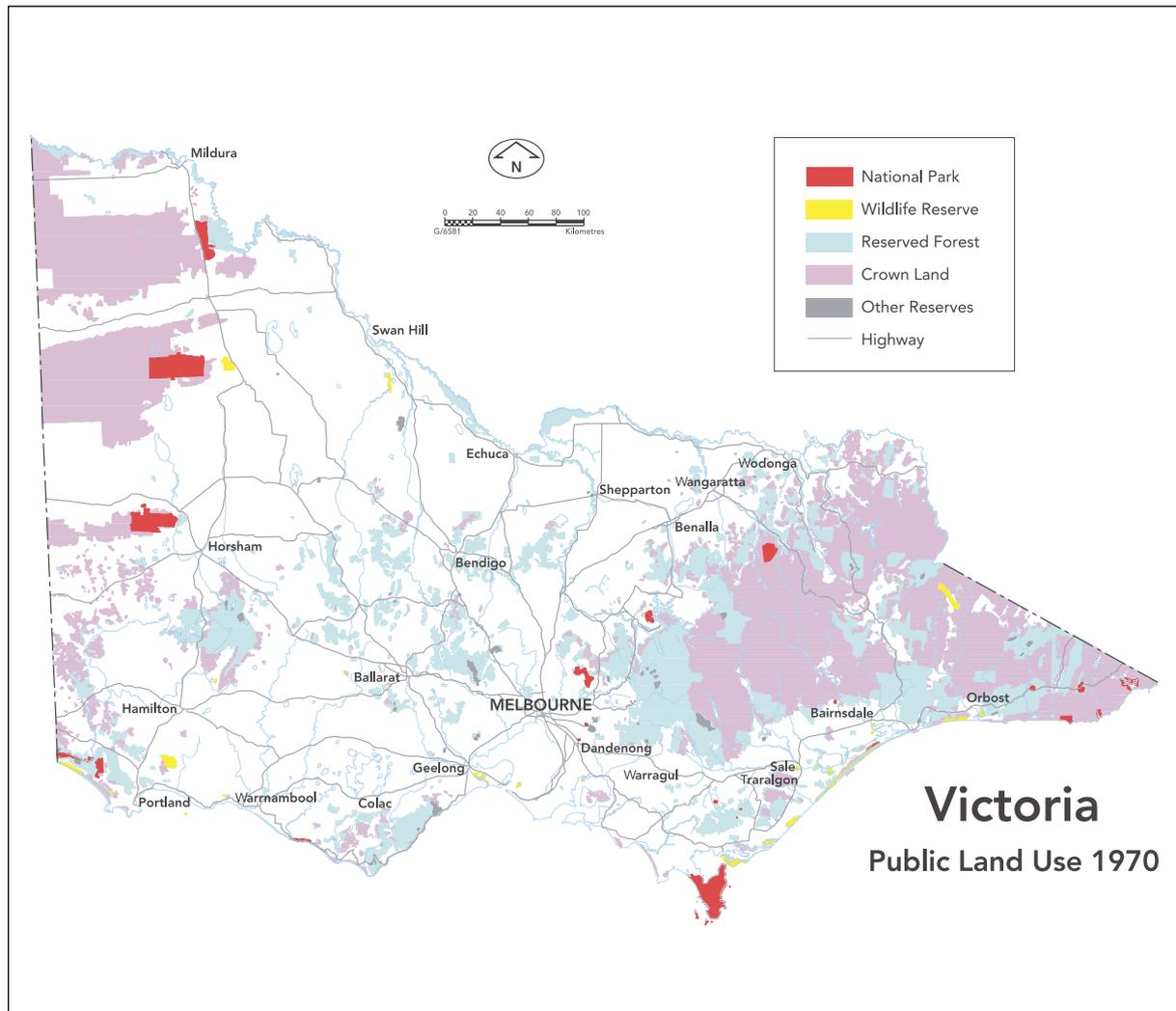
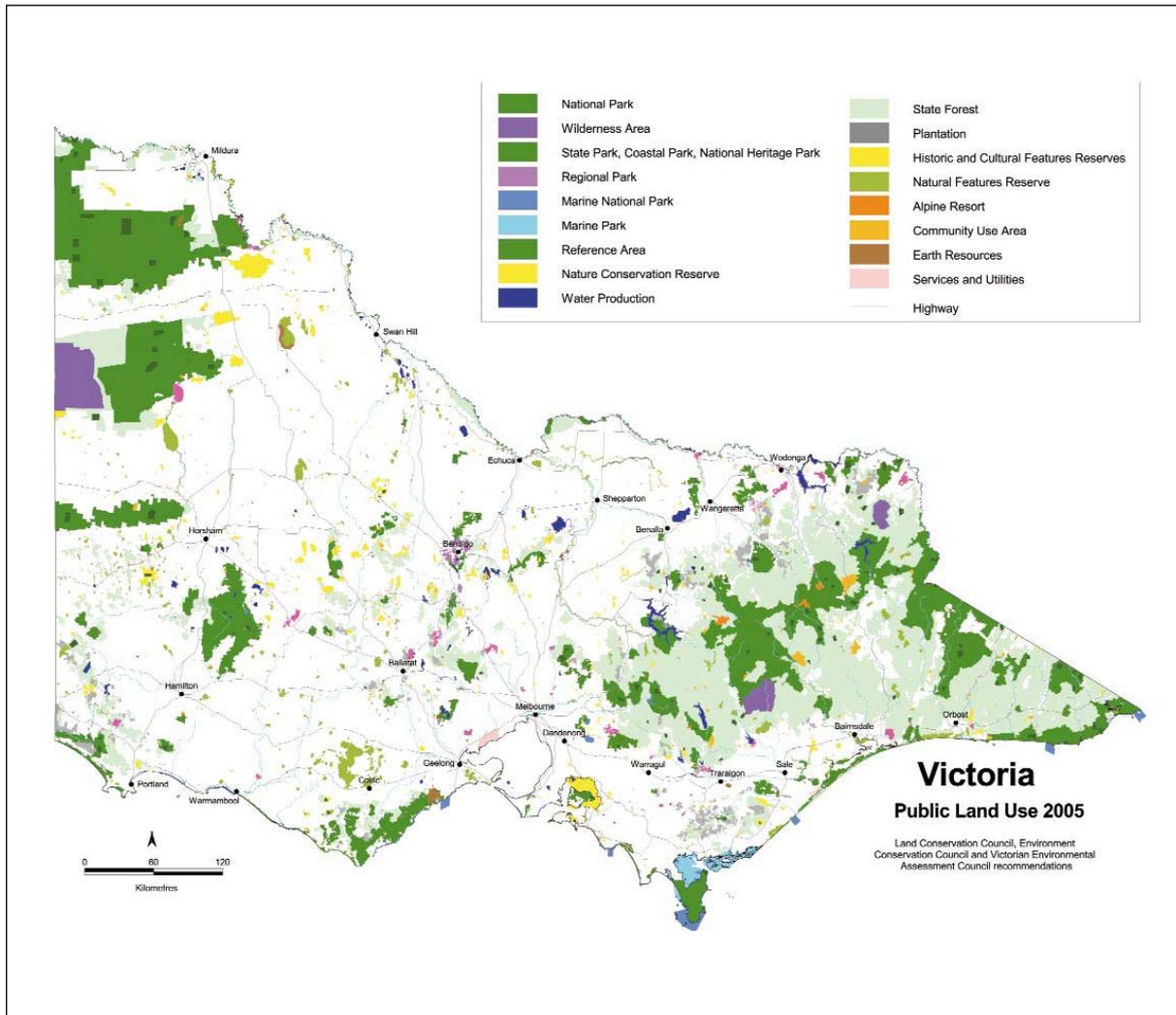


Figure 6.2: Map of public land use 2005



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The same issues, and criticisms, were aired during the investigation of the North East regions. The LCC again minimised the allocation of public land specifically for softwood plantation (with an expansion of 6870 hectares in North East 1 and 9240 hectares in North East 2). A preferred strategy was to keep most potential areas as 'uncommitted' (North East 1 Final Recommendations, 1973; North East 2 Final Recommendations, 1974), perhaps in the hope that federal and state policies would change before the land had to be allocated to the soft-

wood plantations. The conversion of cleared private land to pines was strongly supported. Few of the early studies supported the conversion of substantial public land to agriculture, although some potential for agricultural development was identified in the original Mallee and East Gippsland investigations.

This preference for using cleared, rather than uncleared, lands for softwood plantations became more obvious during the Corangamite Study from 1974–78.



Pine harvesting, Rennick Plantation, South West Victoria

Located on the edge of the fertile Western Plains, a remnant pocket of public land had been earmarked by the Soldier Settlement Commission in 1956 for the Heytesbury Soldier Settlement Scheme. Not all of this land was ideal for agricultural use, but by the time of the LCC's investigation, most had already been alienated and cleared. A swathe of unallocated land, however, enabled the LCC to fulfil some of the softwood quota for the year without requiring further clearance of native vegetation (Corangamite Final Recommendations, 1978).

The LCC's caution over the use of public land for pines was met by constant government pressure to allocate lands for the task. In the early 1980s, the government instructed the Forests Commission to increase their softwood planting rate by 700 hectares per year. The LCC was directed to examine the areas around Hill End, north of the Latrobe Valley in the Melbourne region, and the Ovens softwood area of the North East. Recommendations were sought as to 'the best use of the land, including the extent to which it might be used to fulfil the



Carting pine logs, Gippsland

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Government's commitments to increased softwood establishment' (Hill End Special Investigation Final Recommendations, 1983; Ovens Softwood Special Investigation Final Recommendations, 1981).

The special investigations progressed post-haste, much to the disquiet of conservation organisations, including the Victorian National Parks Association, who took the LCC to court, arguing that their Ovens 'special investigation' had occurred so quickly that it did not meet the legislative requirements for a thorough study. Although they lost their case, the conservation organisations had the last hurrah when the Labor government was elected in 1982 on a platform of banning any further clearing of native vegetation for pine plantations. The LCC conscientiously

produced its final recommendations for Hill End area as requested, but the new government had other interests in mind. Any new pine plantations would only occur on cleared, generally private, land. The LCC could at last shed one of the duties which many of its members found most difficult to reconcile with promoting a 'balanced' use of public land in Victoria.

Having established itself as a cautious and careful arbitrator of public land debates in its early years of operation, the LCC was now able to tackle some of the most contentious issues on the Victorian public landscape – the spectacularly impressive ecosystems of the Alps and East Gippsland forests.

Ballarat

Original study: May 1978–Apr 1982

The first of several research studies into the economics of using private land for plantation establishment in lieu of public land was undertaken during the course of the Ballarat investigation. The study showed that if a dollar value was attached to public land then plantation establishment was found to be more profitable on many private land sites than on public land of equivalent quality. This was the forerunner of similar studies in other areas where use of public land for pine plantations was being proposed. Three new state parks were recommended – Mt Buangor, Langi Ghiran and Enfield. While having examples of taller forests, these parks were predominantly located in areas with lower quality forests and woodlands carrying less commercial tree species. Substantial areas of Ballarat water authority land adjoining reservoirs were recommended for water production as protective buffers, although parts were used for softwood plantations and potato cropping. Ballarat had one of the lowest proportions of public land in a study area (9%), and the recommended park and reserve outcome was also relatively low (19%) as a proportion of the public land.

Special Investigations: Part of Ballarat was included in the Historic Places Special Investigation (see separate box).

Box-Ironbark Investigation: Part of Ballarat was included in the Box-Ironbark Forests and Woodlands Investigation (see separate box).

Gippsland Lakes Hinterland

Original study: Apr 1980–Feb 1983

The Gippsland Lakes Hinterland investigation was one of the first to discuss the management of cultural sites with local indigenous communities. The recommendations explicitly called for consultation with Aboriginal communities in the preparation of management plans for traditionally used land. In this case Aboriginal involvement was recommended in only four key reserved areas. In later LCC and ECC investigations the recommendations for Aboriginal involvement were to become more comprehensive.

Creation of the Gippsland Lakes Reserve was difficult for the Council as some felt that this did not adequately protect the area's diverse and significant values. However, the land area was relatively small, and the recommendations provide for hunting, commercial and recreational boating, occupancies, grazing and honey production, making it somewhat inappropriate for park status. Recognition of the conservation values was, however, reflected by the Parks Service being the joint managing agency with Fisheries and Wildlife. Despite the high level of public land in the Gippsland Lakes Hinterland (58%) only 12% of public land was recommended for parks and reserves – the lowest of all original study areas and reviews.

Murray Valley

Original study: Apr 1982–May 1985

Existing uses of the Barmah Forest were difficult to reconcile with the need to protect Victoria's most extensive river red gum forests. A separation of uses was eventually agreed and a state park without grazing and timber production was proposed. These park recommendations were compromised when Parliament eventually allowed both grazing and timber production to continue within the park as well as elsewhere in the river red gum forests. The very low proportion of public land in the Murray Valley Area (9%) contributed to a low level of recommended parks and reserves (2% of the study area).

Box-Ironbark Investigation: Most of Murray Valley (but not the red gum forests) was included in the Box-Ironbark Forests and Woodlands Investigation (see separate box).

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The Barmah Muster; Barmah Forest, mid-1980s

Wimmera

Original study: Aug 1983–Nov 1986

Ironically, although the Little Desert sparked the controversy over land clearance which led to the creation of the LCC, it was the last area to be investigated. The Wimmera clay plains had been very heavily cleared for agriculture, but some valuable remnants were recommended as flora, flora and fauna, and wildlife reserves. There were no major resource issues – yellow gum and brown stringybark woodlands at Wail remained as state forest. The passage of the draft recommendations through the study group and the Council was relatively easy and comparatively few submissions were received. The existing Little Desert National Park was substantially expanded by the addition of the public land in the central and western blocks, so that virtually all of the Little Desert was now Park.

Special Investigations: All of Wimmera was included in the Historic Places Special Investigation (see separate box).

Box-Ironbark Investigation: Part of Wimmera was included in the Box-Ironbark Forests and Woodlands Investigation (see separate box).

Following its early investigations, the LCC had come under fire from many conservation groups as having failed in its task (e.g. Mercer, 1979). Even its founding minister, Borthwick, had been less than impressed with its performance over the Mallee region. Repeatedly, the early LCC reports had recommended the maintenance of industries like forestry on public land that conservationists felt should be protected. Proposed parks were frequently centred on poor quality and marginal forests of little interest to the timber industry. Although these regions provided important habitat to rare and threatened species, there was concern that highly productive forest ecosystems were not being assessed for protection as readily as less productive forests.

The LCC charter was to balance public land use – timber extraction, as much as conservation, was and is a legitimate public land use. At what point balance is achieved depends very much upon the prevailing public sentiment of the times. On some occasions the LCC's proposed conservation recommendations in early investigations were watered down in the face of concerted community and industry pressure. But community support for conservation was also growing and the hotly disputed Alpine region and the forests of East Gippsland were shaping up to be the litmus test for the success of the LCC.

A mountainous problem

The East Gippsland forests have historically earned a reputation for being intractable for farmers and foresters alike, despite their potential productivity. Early efforts to clear the land often ended in failure. The mountain forests were inaccessible and their timber difficult to exploit, leaving unusually large swathes of undisturbed forest on public land. Modern technology, however, has transformed the exploitation of Australian hardwoods into a lucrative industry. This has made it difficult to transfer some of the forests to nature conservation.



Hardwood logging, Gippsland

The Winds of Change

Similarly, the Alpine region was once mainly used by a few hardy bushwalkers and cattlemen, but in the postwar period the Alps became a desirable destination for an increasingly wealthy population with leisure time on its hands. Ironically, the increasing wealth, education and recreational opportunities that had spawned the conservation movement had also boosted tourism and outdoor pursuits such as skiing, four-wheel driving, trail-bike riding and other activities not always seen as compatible with conservation ideals. In a dramatically changing society, once-spurned regions of the state had become highly prized for the very features that had once led them to be ignored.

The establishment of an Alpine National Park had been an aim of the Victorian conservation movement since the earliest days of the Field Naturalists Club and the Victorian National Parks Association. The alpine issue was on the agenda at the very genesis of the LCC, although the first Council members deliberately chose not to cut their teeth on this most difficult of debates. The LCC had its own teething problems to attend to, and needed a few less controversial trial runs to make sure it was up to the challenge of such a big issue.

By late 1973 the South Gippsland 1 investigation was entering its final stages, having tiptoed through the battle-lines between conservation and hunting interests in significant wetlands. The East Gippsland and Mallee investigations were under way and looking relatively straightforward. Although every investigation uncovers disputes, the Mallee public land, with its history of failed, over-ambitious agricultural endeavours, was less contentious than other more productive regions. The East Gippsland investigation was also surprisingly low-key

– the impassioned public furore over the forests of this district were yet to come. By the mid-70s, only the Melbourne investigation was showing signs of causing the LCC any major heartburn.

So far, mainly low-grade forests (in terms of timber production) had been recommended for reserves. Even in those small areas where the LCC had recommended excluding timber production in high-grade forests (such as Mount Samaria State Park) a *quid pro quo* arrangement traded other forests for hardwood production (North East 2 Final Recommendations, 1974). But, given the LCC's mandate to ensure representation in the reserve system, it was only a matter of time before the tall, productive forests so essential to the timber industry came under consideration. The Melbourne region, encompassing extensive areas of alpine ash, mountain ash and mess-mate/gum forests, was the first area where significant regions of high-quality timber country had been considered for reserves. Perhaps surprisingly, even this controversial investigation was progressing. The public submission process was working well. In addition to collating all the expert input available at the time, the LCC had come to expect a few hundred submissions from interested parties and individuals for each investigation. The LCC had demonstrated that it had the methods, the skills and the political and legislative support to tackle difficult land use issues. It was ready to take on its first really big challenge – an investigation of the Alpine region.

The descriptive report for the Alpine region was compiled with great care. The report was published on 18 July 1977, having taken slightly longer than some other investigations. The call for public submissions had met an unprecedented, but not entirely unexpected, response.

Over 1500 submissions had been received. Fear, passion and imagination ran hot as the proposed recommendations were anxiously anticipated. The Council felt the heat and cautiously tested the temperature of public feeling.

The Alpine region provided one-third of Victoria's hardwood sawlogs. Foresters and timber-dependent communities launched a concerted campaign to protect their interests, fearful of a massive loss of income to their precarious towns. Conservationists were equally ardent in their desire for parks to match and connect with those across the border in NSW. Although similar to NSW, the Victorian Alps differ dramatically in geography and support a unique ecosystem reminiscent of Australia when it was much colder. Recreational users were adamant that this cold-climate, high-altitude resource, unique in a largely hot, dry, flat land, should remain accessible to all. And the mountain cattlemen claimed a strong historical and sentimental right to continue their traditional occupations of grazing on the high country. Finally, the issue of water catchment had to be taken into account, with the Alpine region accounting for one-quarter of Victoria's water supply. When the LCC finally launched its proposed recommendations, they took a novel solution to these unprecedented problems.

A contentious solution

Rather than simply allocating certain areas to land categories such as national parks, timber production or alpine resorts, the LCC proposed the establishment of an overarching monitoring body, the Alpine Regional Council. This Council (chaired by the LCC chairman

and comprising the heads of the Soil Conservation Authority, Lands Department, Forests Commission and National Parks Service) was to oversee an Alpine Zone in which different land use zones would be managed by the usual land management departments. Thus there would still be protected recreation and wilderness zones, but without the legislative framework for national, state or regional parks. A large 'general use' zone would allow the continuation of logging, managed by the Forests Commission.

The Council officially explained this unexpected proposal in terms of the unusual nature of the Alpine area and the competing land uses. Many of the land uses in the Alps occur in discrete and isolated pockets – whether it be ski resorts, some grazing country, stands of mature alpine and mountain ash or water-storage features. Fearful of fragmenting the area into tiny pockets of permanently enshrined competing land uses, the Council opted for a more flexible, less concrete system of zones.

Such flexibility might also allow for a more contiguous system of national parks to be put in place in the future, when public sentiment was more favourable. Permanent segregation of the area might preclude the development of a larger reserve system at a later date. While the LCC members recognised the value of larger interconnected reserve systems, the concept of park 'contiguity' did not enter the political vocabulary until Labor developed its environmental policies in the 1980s. In 1978 it seemed safer to leave large areas 'uncommitted' to any particular function, although available to logging in the interim.

A vehement reaction

If the LCC was unsure about public sentiment before the proposed recommendations, it was left in no doubt afterwards. Conservationists were outraged by the failure to propose any national parks at all. Foresters and conservationists alike were suspicious of plans to place another layer of bureaucracy over the region in the form of an Alpine Regional Council. Local councils wanted representation on the council. Others saw the Alpine Regional Council as a means of extending the otherwise limited life of the LCC itself. The LCC, along with the Soil Conservation Authority and National Parks Service, were referred to as ‘unnecessary bureaucratic excrescences’ (Moriarty, 1978). In the country, moderate voices called on opponents to support the LCC, recognising a pretty good deal when they saw one. In Melbourne, however, the mood was very different. Thousands rallied at public meetings to demand national parks in the Alpine region and a firmer commitment to phase out logging.

With over a million hectares nominally available for logging, compared to a mere third of a million hectares allocated for various ‘conservation’ purposes, forestry fears were largely assuaged. Although logging interests maintained the pressure for the remainder of the campaign, they realised their claims were unlikely to be damaged greatly by the LCC recommendations. The most vehement opponents of the Alpine Council concept were the mountain cattlemen and their supporters.

Claiming the (moral) high ground

Grazing in the high country had been a hotly contested issue in the past, and indeed remains so today, even with the recent decision to permanently remove cattle grazing from the Alpine National Park. The issue highlights one of the most sensitive areas of conservation debate – the role of humans in apparently natural landscapes and the conflict between the preservation of history versus nature. The issue was sensitive, not so much because of a lack of information or objective evidence, but because it raised questions that struck at the heart of the moral high-ground commonly used to sustain conservation ideals. The debate saw a reversal of the stereotyped roles of ‘idealistic greenie’ working for the greater good versus ‘self-interested forester/farmer/business’ battling to survive. Environmental conservationists were cast as ecological vandals seeking to remove the cycles of human modification that have sustained a unique landscape. Worse, they could be depicted as denying the influence of Aboriginal land management practices in creating and maintaining a human-modified landscape prior to European settlement. Long-term land-users, by contrast, could adopt the role of protectors of Australian heritage, custodians of both our cultural inheritance and the land itself.

The groundwork for this moral battle was set largely by the influence of the American conservation movement. Like Australia, America had a relatively recent colonial past that gave it a ‘year zero’ against which to measure the changes wrought to the landscape by modern civilisation. Like Australians, Americans had largely ignored the impact of the people who had inhabited the land for thousands of years before European colonisation. Where indigenous people were even acknowledged, they were

treated as ‘noble savages’, as much in tune with their natural environment as any one of the countless other species with which they shared their ecosystem. The possibility that humans might have shaped and changed the natural pre-colonial landscape – or be necessary to maintain it in any form – was largely dismissed. In America and in Australia, a natural environment was conceived as *terra nullius* – without humans.

The perspective of European and particularly British conservationists is, not surprisingly, completely different. In regions with a long, unbroken history of human occupation by the ancestors of the current inhabitants, changes to the historical landscape are continuous and ongoing. There is no year zero at which to divide the ‘natural’ from the ‘unnatural’. The most endangered bird species in the British Isles, for example, is the corncrake, which is perfectly adapted to a centuries-old system of agricultural harvesting that survives only in Ireland and remoter parts of Scotland. In Britain, humans are part of the environment. With little or no ‘unalienated’ public land as such, national parks can be heavily populated: the protection of cultural heritage is as important as the protection of the wildlife. Such national parks are often ‘private’ land with public rights attached to it. This is very different from the Australian and American experience.

While the American model has clearly had the greatest influence on the Australian system of conservation and public land management, influences from the British school of thought have periodically emerged in local debates. Many British-born academics working in Victorian universities wanted private land incorporated into the LCC charter, a suggestion Borthwick dismissed on the grounds that with so much public land to work with

there was no need to cover private land as well. British conservationists were also called upon in the Alpine debate, this time to support the contention that human modification of the landscape was natural and necessary. Cattle-grazing in the high country was not only an important part of Australia’s cultural heritage (thanks largely to the popularity of Banjo Patterson and ‘The Man from Snowy River’) but might also be an environmental necessity to avoid devastating fires in the region. The cessation of grazing in some areas had already led to thick, shrubby undergrowth, not at all like the herbaceous meadows regarded as the natural state of the area.

In this instance, the LCC had the foremost expert on the subject of alpine vegetation on its side. John Turner, professor of botany at Melbourne University and long-standing conservation representative on Council, had studied the effect of grazing on alpine vegetation for more than forty years with his colleague Maisie Fawcett (later Carr). As a botanist, he accepted that the initial exclusion of grazing increased the proportion of shrubs on the grasslands, but he was also aware that this was just one stage in an ongoing cycle towards returning the alpine meadows to their natural state. It could take 30 or 40 years to restore the damage created by cattle, but eventually the meadows could be restored, and fire would then be as rare in the area as it had been in the past.

There were more than 14,000 submissions in response to the LCC’s proposed recommendations for the alpine area, and the Council had no choice but to radically rethink its plans. Efforts to develop a conciliatory proposal that offered compromise to both sides had only created unity between the adversaries in opposition to the LCC. The alpine spoils would have to be divided.

A new solution

In the event, Council finally recommended national and state parks in addition to other smaller reserves – totalling almost one third of the area in question – although not the large contiguous national park environmentalists wanted. More than one third was dedicated to timber production, but an even greater proportion was declared ‘uncommitted’. In a considerable concession to timber interests, large areas in the parks were made available for once-only logging, a strategy that allowed considerably larger parks to be established, albeit at an environmental cost. Cattle-grazing was slightly reduced, but allowed to continue in most areas. The area available to alpine resorts was increased.

These recommendations were accepted by the government but slammed by the opposition Labor party, who promised larger reserves in the area. By the time Labor came to power in 1982, a review of the Alpine area was inevitable. A special investigation was initiated, ‘bearing in mind the government’s conservation policy for the Alpine region, to make recommendations by the 1st day of December 1983, on those areas that might be added to the Alpine park system’ (Alpine Special Investigation Final Recommendations, 1983).

Despite community support for such a change in environmental policy (demonstrated through both the LCC submission process and the ballot box), such directed instructions raised the spectre of political interference. The resultant LCC recommendations saw the reserve system again expanded, with a commensurate reduction in forestry and grazing. The issue remained contentious, but the heat by now had largely gone from the Alps. The focus of attention had moved to the forests in the east.

The far east forests

Given the ferocity of debate over East Gippsland in recent times, it is surprising that the first investigation of the area evoked so little reaction. In its proposed recommendations of 1977, the LCC reserved 13% of the region, leaving the remaining 87% available to the timber industry. Two national parks were proposed, along with two state parks and one regional park. The area around the Snowy River was to be the first ‘wilderness’ area designated in the state: an area intended to have an even higher level of protection than national parks, with more restricted access.

Just 328 submissions were received, many of them concerned with the reclassification of the small Lind National Park into a flora and fauna reserve. The main difference between the proposed and final recommendations was that the LCC abandoned efforts to secure wilderness status for the Snowy River region, which would instead remain as a national park. The LCC relinquished its wilderness ambitions for the time being in the face of public apathy and opposition, while insisting that it ‘still believes that there should be a wilderness in eastern Victoria and will seek to provide this when making recommendations for other study areas’ (East Gippsland Final Recommendations, 1977). The Council soon made good on this promise, recommending wilderness areas in the initial Alpine and Gippsland Lakes Hinterland investigations (Alpine Investigation Final Recommendations, 1979; Gippsland Lakes Hinterland Final Recommendations, 1983). By 1991 it was able to comprehensively review and recommend wilderness areas in both East Gippsland and the other districts via the statewide wilderness investigation (Wilderness Special Investigation Final Recommendations, 1991).

The first signs of dissent in East Gippsland emerged in the early 1980s when foresters began to complain of 'greenies' not abiding by the decisions of the Land Conservation Council. Land allocated to forestry by the 1977 recommendations was now the subject of action by a new generation of conservationists. This conservation movement was born from the great successes of the Franklin River campaign, which had not been fought through government meetings or by polite rallies and public meetings in the cities, but by direct action in the wilderness.

This was a campaign won by media – by pictures of protesters risking life and limb to protect spectacularly beautiful areas few city-dwellers would ever see in person. These conservationists didn't want talkfests: they chained themselves to trees, lay in front of bulldozers and demanded attention. If Bolte had been bemused by the first wave of conservationists over the Little Desert affair, he would have choked over the demands of this new generation.



Demonstration against woodchipping, mid-1980s

The Winds of Change



Snowgums, Mt. Cobbler plateau, Alpine Area

Alpine

Original study: Sep 1973–Jun 1979

This was undoubtedly the most contentious study tackled by the LCC to that time. The diversity of public land use in the area (logging, cattle-grazing, ski resorts, bush-walking, conservation etc) ensured passionate community involvement. Time did not stand still while the LCC investigated the Alpine area. Timber harvesting continued, much to the dismay of the environment movement, as they could see unroaded and unlogged areas being compromised and committed to continued logging as remote stands were accessed. Confrontation came to a head when logging was proposed at Mt Kent, requiring roads through Shanty Hollow, an area venerated by bush walkers. The controversy caused the government to establish a committee of timber and conservation interests to vet proposals to extend logging into new areas. This constrained new roads until the LCC recommendations had been completed.

The Forests Commission successfully argued that the Alpine area should not be broken into a series of special purpose reserves, as timber resources were interspersed with regrowth forests throughout the region. They also argued that the value of the area as a continuous mosaic of merging land types would be reduced if divided into separately managed parks and forests. Seasonal and geographic patterns of land use further strengthened the difficulties of selecting representative examples as parks. Hence, the Council proposed that the whole become an Alpine Reserve with zoning reflecting the special attributes of parts of the Reserve. The idea stemmed from the concept of the multi-purpose parks proposed in the Melbourne and North-east areas. A peak Council body was proposed to oversee management but while the area was to be reserved as a whole under the *Land Act*, all zones that included a significant timber resource (except for one section in the east) were to be managed by the Forests Commission. These proposals also saw the genesis of the 'once only logging' concept applied to zones that were the *de facto* national parks.

Predictably the conservation movement that had strenuously lobbied for an Alpine National Park since the 1930s was not impressed. The LCC's initial compromise was resoundingly rejected by the majority of the record 14 013 submissions.

LCC staff had discussed the implications of proposing an Alpine Reserve and were aware that the proposal could activate a strong reaction from the conservation movement. However, the strong and public protest did give the Council room to move towards the creation of Alpine Parks. Reversal of Council's approach required support from Council members who had initially been persuaded of the 'uniqueness-of-the-whole' argument. The blandness of the Council's Minutes does not reflect the strength of feeling generated in the discussions (pers. comm. Mick Lumb).

The Winds of Change

The final report recommended the area be divided into large traditional parks and reserves (including the major Avon Wilderness Area) and hardwood production areas. Small but significant areas such as the Bogong High Plains were to be removed from grazing. Crown land in the East Kiewa Valley was designated for hydroelectricity production, and managed by the then State Electricity Commission (SEC), which opposed logging because of the risk of sediment damage to its turbines. For some areas of high catchment and landscape significance, such as the northern approach to the Bogong High Plains, logging decisions were deferred until hydrological and sediment studies from paired catchments could be undertaken. Ultimately plans for logging these areas were shelved and the areas are now included in the Alpine National Park.

Recreational land uses were also a major issue particularly the allocation of land for future Alpine Resort development including Falls Creek (Mt McKay and extension into the High Plains to the north). Special studies were commissioned but the areas eventually proposed were considered by the ski industry as quite inadequate to meet the anticipated future growth. Deer hunting, with and without dogs, was also controversial and, contrary to usual practice, part of the Wonnangatta-Moroka National Park became the preserve of the 'stalkers' – hunters without dogs.

Alpine Special Investigation: May 1982–Nov 1983

In line with the newly elected Labor government conservation policy, Council revisited the Alpine area. The task of linking existing alpine parks was to occupy the Council's research staff over many months. Ultimately the Barry Range was selected as the best link between Wonnangatta-Moroka and Bogong Parks rather than through Mt Sarah on the Tea Tree Range to the south. Anglers Rest and Buenba links also joined the Bogong and Cobberas-Tingaringy Parks with a major new park area around Dartmouth Reservoir. In addition to the 669 000 ha of state forest, several alpine ash stands in the park were identified for 'once-only logging'. While affecting only a small total area, some such as Diamantina River, which was visible from Mt Feathertop, were contentious. Grazing was phased out from the Howitt Plains.

The Alpine Resorts legislation was being debated at the time the Council was considering recommendations for the Alpine area. The Council saw conflicts between proposed provisions allowing for the addition of land to ski resorts and the *Land Conservation Act*. This was pointed out to the (Labor) Minister, as well as the Council's concerns with provisions that allowed reserves to be revoked. Council's fears were realised several years later when in 1997 the Kennett government excised part of the Alpine National Park at Mt McKay using this provision. The excision generated considerable controversy however and the area was reinstated in 2001 by the Bracks government.

East Gippsland

Original study: Mar 1973–Mar 1977

The devastation wrought by the Black Friday fires of 1939 on the ash forests surrounding Melbourne compelled the hardwood timber industry to draw heavily on East Gippsland timber resources. The pressures to constrain parks in East Gippsland were great. The area of parks eventually recommended (137 000 ha) were mainly forests with relatively low timber values but, nevertheless, the 80 000 ha Croajingolong National Park extending along the coast from Sydenham Inlet to the border was the centrepiece and was well received. The first effort at creating a wilderness area (along the Snowy River) was made in the proposed recommendations but removed from the final report. A total of 433 000 ha was recommended for hardwood production and a further 203 000 of uncommitted land was also available for logging.

The Council was concerned that some areas of uncommitted land had special values and proposed that no logging be permitted until the area was reviewed in 1985. This review commenced in 1984 and many of these areas were subsequently included in National Parks.

Review: Jul 1984–Dec 1986

Since the original study, the East Gippsland area had become the focus of strong environmental debate with loggers using the earlier LCC recommendations to support their activities against increasingly radical opposition. While the 'city' conservationists took their protests into the forests, the timber workers took their protests to the city. The LCC eventually recommended the creation of the Errinundra and Coopracambra National Parks, while Rodger River, Mountain Creek and Bowen Range were added to the Snowy River National Park. In seeking to develop a balanced outcome, the LCC commissioned innovative social and economic studies to assess the impacts of various options and to thereby develop recommendations which minimised the impact on timber harvesting communities also affected by the Government's Timber Industry Strategy. Timber production continued from the 543 000 ha of high-quality state forest recommended.

This review also stimulated heated debate about the definition of rainforest, which the government was, in principle, committed to protecting. The Errinundra Plateau includes extensive areas of cool-temperate rainforests, and transitional forests with high-timber-quality eucalypts emerging from an understorey of rainforest species. The lack of a park on the Plateau was regarded by the conservation movement as a serious omission from the first investigation.



Banner at timber millers and workers meeting, Orbost 1986. Seated, from left: David Scott (LCC Chairman), Ian Miles (LCC research officer), consultant John Stanley, Jeff Wright (meeting chair and former EPA Chairman)

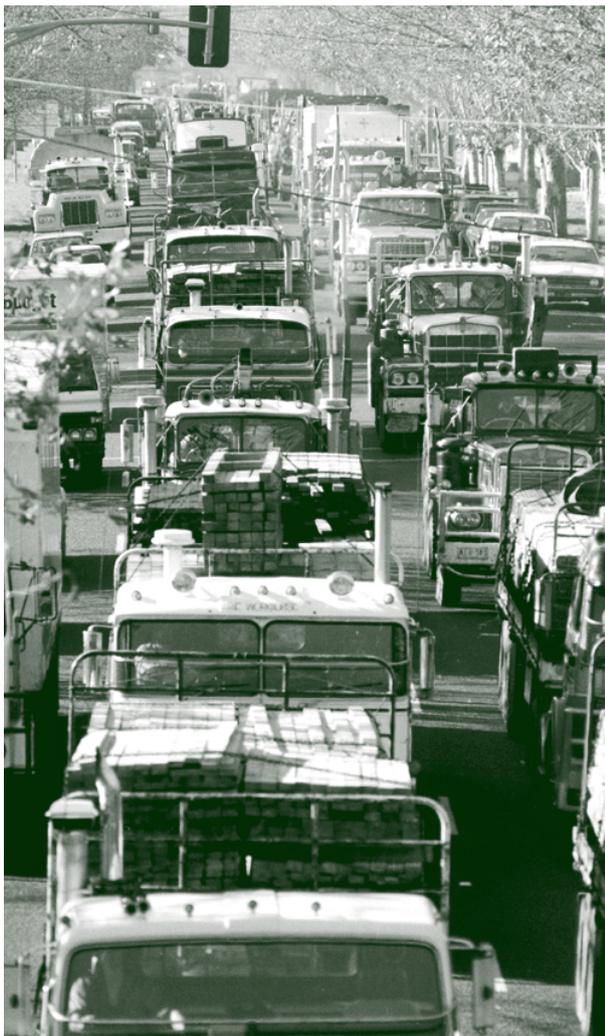
Not only had community opinion about conservation changed in the 1980s, but governments had changed too. Victoria had a Labor government that had made a strong commitment to conservation and an increase in the reserve system. Band-Aid measures such as a two-year moratorium on logging in the Rodger River area were met with fierce opposition by local forestry interests. Forestry was hotly debated in academic circles as well as in East Gippsland. The government was accused on one hand of breaking its promises to protect the environment and on the other of devastating local, particularly forestry, industries. East Gippsland was turning into a political hot potato, and the obvious place to handball it was the LCC.

While the LCC generally removed some of the politics from the debate, it has never been completely insulated from political fall-out. This was particularly apparent during the East Gippsland review. Secret deals between ministers and vested interests were rumoured from all sides. The Conservation Council of Victoria feared closed-door deals to allow logging in the fiercely contested Errinundra Plateau. Foresters suspected deals with conservationists to phase out logging. Conservationists were depicted as Labor supporters, living on government grants and lobbying in conservative-held Gippsland while ignoring conservation issues in Labor seats. With conservationists demanding no compromises on logging, there must have been times when Labor ministers felt that with friends like these, they scarcely needed enemies.

The newly elected Minister for Conservation, Joan Kirner, waded into the debate in the mid 1980s. Taking a very personal and informed perspective, she made one of her first stops the Country Women's Association, who were vehement opponents of any reduction in logging that might affect the economic viability of their towns. She also promised \$10 million in job grant aid to the region. Kirner garnered much support in the region through her high-profile meetings and promises of reforestation grants to offset any costs of logging reduction on public land. The professional foresters, however, were less easily persuaded, and within Kirner's own portfolio the Forests division ran its own campaign to protect forestry interests.

Kirner, however, played hard ball. She expected her departmental heads to implement government policy, not their own. The head of the Forests division departed and was replaced. The new head of forestry, Bob Smith, joined the LCC's director of land use planning, Mick Lumb, in presenting material to cabinet and Labor committees as part of what Kirner termed 'the Mick and Bob show'.

While Kirner took her cause to the country, logging interests took their campaign to the city. On Monday 26 May 1986, 100 fully loaded logging trucks drove two abreast along Dandenong Road and Kingsway towards parliament during peak hour, causing traffic chaos. Sixteen were permitted to park in Spring Street, while the remainder circled the parliament, like mechanical Apaches in a Western, with horns blaring in a dramatic



Timber contractors protest against LCC's East Gippsland recommendations, 1986

demonstration of their dislike of the LCC's proposed recommendations for their region.

The replacement of the Forests division chair on the LCC did not, however, end the controversy over the LCC's decisions. An accidental miscount of votes on one East Gippsland recommendation persuaded the chairman David Scott that there was an equal split. He cast his deciding vote in favour of the recommendation. Not until after the meeting was the miscounted vote revealed to have actually opposed the recommendation. Rumours of foul play circulated darkly among pro-logging forces. Conservationists also suspected underhand dealing and block voting by the department of Conservation, Forests and Lands.

Notwithstanding the furore, the final recommendations of the LCC increased the reserved areas in East Gippsland from about one-quarter to one-third of public land and reduced the area available for logging from three-quarters to two-thirds. The political palatability of these recommendations was carefully engineered by an unusual alliance between Kirner and her opposition counterpart, Marie Tehan. Impressed by the area's great natural beauty on a mountain hike with local conservationists, Tehan agreed to work on the dissident elements from the conservative side of politics. Kirner rounded up the wavering members of her own party and, in a neat pincer movement, ensured the LCC recommendations received bipartisan, if not unanimous, support.

A turning point

The changing face of the LCC was also evident in the nature of the investigations undertaken in the 1980s and 1990s. By the early 1980s only the Wimmera and Murray Valley remained to be completed from the first round of regional investigations. This initial flurry of activity

Figure 8.1: LCC and ECC Investigations

Year										
70/71										
71/72	Melbourne	South West 1	South Gippsland 1	North East 1	North East 2					
72/73										
73/74			Alpine				Mallee	North East 3, 4, 5	East Gippsland	Corangamite
74/75										
75/76										
76/77					Stradbroke	North Central				
77/78										
78/79			South West 2			Ballarat		South Gippsland 2		
79/80	Gippsland Lakes Hinterland	South West 1		Gellions Run				Ovens Softwood		
80/81										
81/82				Alpine	Murray Valley				Hill End	
82/83										
83/84	Melbourne 1		Wimmera			Mallee	North East Benalla Upper Murray	East Gippsland		
84/85										
85/86		Latrobe Valley		Statewide Assessment						
86/87	Melbourne 2				Rivers and Streams					
87/88										
88/89				Wilderness						
89/90										
90/91										
91/92										
92/93				Marine and Coastal						
93/94										
94/95			Historic Places SW Vic							
95/96										
96/97										
97/98										
98/99				Marine, Coastal and Estuarine	Box-Ironbark					
99/00										
00/01										

Key	
Regional investigations	
Within region special investigations	
Regional reviews	
Cross-region investigations	

had often involved the LCC in up to nine different investigations in the course of a year. By the mid-1980s the demand for regional reviews declined and the annual number of investigations under way fell to five or six. By the late 1980s many contentious areas, like East Gippsland, the Alps, Mallee and parts of Melbourne, had been studied twice. It was time for a stocktake, a role fulfilled by the Statewide Assessment of public land use published in 1988.

This study was not regionally based and contained no recommendations. It was intended as a report card both on the activities of the LCC and on the state of public land use in Victoria. As well as assessing the LCC's own progress on public land use recommendations, this study also examined the extent to which the recommendations had been implemented. Much had been made (and continues to be made) of the remarkably high level of acceptance of LCC recommendations by government. But when the LCC investigated how many of its recommendations had actually been implemented by the relevant department (at that time, Conservation, Forests and Lands) the figure was far more sobering.

The Statewide Assessment found that, while generally about half of the recommendations for national, state and regional parks had been implemented, implementation of the smaller reserves (such as bushland, flora and fauna, historic, geological and streamside reserves) hovered between 10 and 20%. Conservation, Forests and Lands protested that, despite the lack of official implementation, they nonetheless managed the areas in accordance with LCC recommendations. The Statewide Assessment was publicly launched, with a very carefully phrased press release, by the Planning Minister Tom Roper (who was also responsible for the LCC). The minister responsible for the department of Conservation,

Forests and Lands, although invited, was notably absent from the occasion.

Water, water everywhere

The Statewide Assessment was the first in a series of increasingly 'thematic' investigations, which moved beyond the arbitrary and restrictive boundaries of the old regional studies and put a greater focus on ecological issues (see Figure 8.1). But despite the thematic studies' broader and less localised focus, they produced battles just as intense as those over their regional counterparts.

The need for a statewide study of rivers and streams had long been promoted by the far-sighted head of Water Resources, John Patterson. Yet when Patterson moved to a new department, support for the LCC's Rivers and Streams investigation dried up, particularly among Water Resources representatives on the study group. Water Resources staff appeared to be more concerned with the need to meet ever-increasing water demands in Victoria than with protecting rivers with high environ-



Rubber raft trip, Snowy River near Mackillops Bridge

mental values and directly promoting water-use efficiency (despite pursuing tradable water rights which were predicted to indirectly improve water-use efficiency). Far from welcoming better planning for the use of Victoria's rivers, Water Resources viewed the LCC study as a threat to potential dam-building activities. Some members of the study group moved to have the investigation terminated.

The ferocity with which the bodies responsible for water supply in Melbourne had protected their catchments from development in the past now made some of those rivers and regions prime targets for re-classification under an LCC review. This inherited muscle was mirrored in the possessive protectionism with which the water authorities now viewed any potential new water sources. While in the past Water Resources had generally agreed with conservation measures proposed by the LCC, the Rivers and Streams study strode into the heartland of their empire, causing angst and trepidation all round.

But, despite the angst, the investigation continued and recommendations were made. Seventeen Heritage Rivers were recommended, most having a 'no dams' provision. Natural catchments were identified and protected from development, and various other recommendations were made about improving water use efficiency and protecting other river values. These recommendations became the basis for the Heritage Rivers Act, which came into effect with Upper House amendments weakening the 'no dams' provisions.

The LCC's ability to make progress on sensitive issues was also apparent in the Wilderness Study. Wilderness areas had been a core component of the LCC plan for 'balance' since the earliest formulations of public land classifications. Yet attempts to include wilderness areas

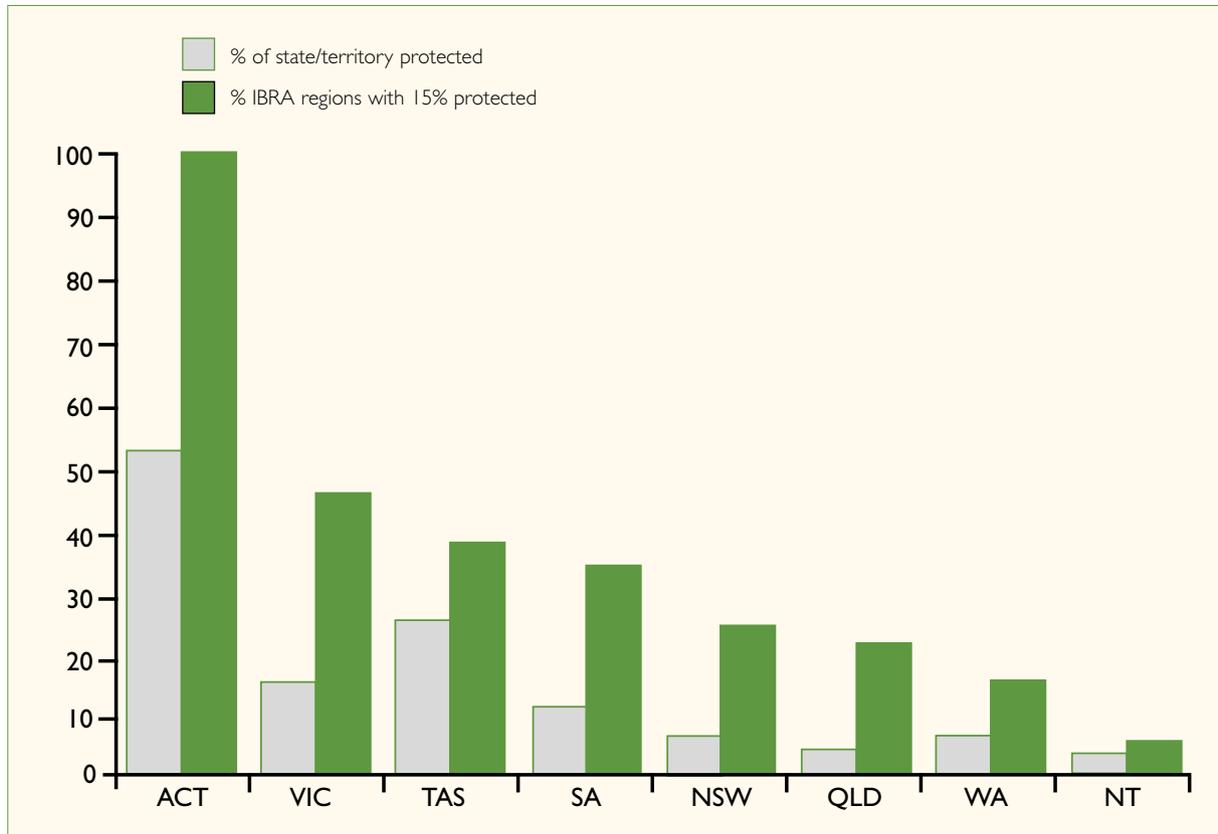
had repeatedly failed during the regional reviews of the early 1970s. Wilderness areas were wrongly perceived by some as excluding humans and this aroused resentment among locals and interested parties. But with changing times and public sentiment, the LCC was finally able to redress this imbalance systematically when it commenced its Wilderness investigation in 1988. For the first time in Australia, a Statewide investigation was conducted which recommended for protection the last few remnants of public land relatively untouched by European development or influence.

A new approach

By the 1990s the LCC had changed considerably in its approach, methodology and structure. Investigations increasingly served an advisory rather than contributory role in land use disputes. The move from an arbitrary system of regional studies to broader, thematic investigations was accompanied by an ever-increasing level of information. Although reports took no longer to complete than they had in earlier years, there were far fewer of them. The finished reports contained more information and were considerably more sophisticated than their predecessors had been. Most were 'one-of-a-kind' investigations without established structures or policies. The demand for public consultation was greater and more time-consuming. While early reports only had one officer, later investigations required the full-time efforts of at least two officers. By the 1990s the average number of studies undertaken at any one time had dropped to one or two.

The LCC had proved itself to be a resilient and effective mechanism for resolving complex land use disputes and for involving the public in that resolution. Nearly 50,000 public submissions were made to the LCC during its 26

Figure 8.2: A comparison of states and territories in relation to the total area protected (IUCN categories IA, IB, II, III and IV) and the percentage of IBRA (Interim Biophysical Regionalisation of Australia) regions which have 15% or more representation within those protected areas (2001).



Note: The International Union for the Conservation of Nature (IUCN) has developed Protected Area Management Categories to ensure that management objectives of protected areas can be consistently communicated across national and international jurisdictions. This classification has been accepted and used by all Australian Governments. Categories IA, IB, II, III and IV are those where the primary aim of management is for conservation of biodiversity.

years of operation. But to what extent was the LCC's successes entirely unique to Victoria? Victoria's public land history differs from that of many other states and countries. Victoria allowed land to be alienated, while other states adopted long-term leasing systems. Compared with other Australian states, Victoria has a relatively small area of public land (39% compared to 60 – 90% elsewhere). It could be argued that some of these small remaining areas, such as the mallee and low-quality forests, are of little interest or demand. In a state like Western Australia, where vast regions of significant mining interests are publicly owned, the debates might have been even more vigorous and less easily resolved.

On the other hand, the relative paucity of public land in Victoria has done nothing to lessen the level of debate about the remaining areas. Compared with other states, Victoria is very fertile with a large proportion of arable and productive land. The small areas of remaining public land are in high demand, precisely because there is so little of it left. It could equally well be argued that disputes over public land in Victoria should be more intense than in other states because of its scarcity and productivity and the diversity of different land uses competing for it.

There is no doubt that other models would have achieved many of the same ends as the LCC. The general national and international move towards conservation measures would have seen a gradual increase in the number of parks and reserves in place. It is unlikely, however, that representation would have had such a high priority in the allocation of areas to parks. The LCC's systematic studies have ensured a system of parks and reserves representing a wide range of habitat types, compared to other states, particularly the major mainland states (see Figure 8.2). Without the LCC, it is more likely that parks

would have been used to defuse local conservation issues, as they have in other states – often causing more problems than they solve. Certainly, the move to implement such parks would not have been able to carry with it large sections of the community who might otherwise have been hostile. Without the LCC process, the opportunities for participation – and education – in the decision-making process would be low and restricted to the more powerful lobby groups. Community ownership of the public land use decision-making process has been one of the hallmarks of LCC success.

Despite its successes and its gradual transformations, the LCC was regarded from some angles as being old-fashioned and antiquated. Many, particularly in government, saw the LCC as dominated by the public service, despite its having a lower proportion of public servants than ever before. The fact that these public servants all belonged to the one department and answered to the one head increased suspicion even more. In a climate of 'small government' the LCC was deemed due for a change. But when the new conservation minister, Marie Tehan, announced that change, it was to be more radical than anyone involved with the LCC could have predicted. The body that replaced the LCC was to be quite different in structure and approach from its predecessor.

The LCC had survived and responded to the dramatic changes in the public's attitude towards conservation and public land. It had survived and responded to dramatic changes in government commitment to conservation. It had survived and responded to dramatic changes in the public service that formed the basis for its existence. Would it survive its transformation into a new structure, with new legislation and new councillors to take it into the new millennium?

Statewide Assessment of Public Land Use

Date of study: Jul 1986–Sept 1988

Regions covered: Statewide

Having completed the last region under its original task (and several special investigations and reviews), the Statewide Assessment was a chance for LCC to revisit its achievements and examine their effect across the state as a whole. Despite the high rate at which LCC recommendations were accepted by government, this report brought to light the low rate at which the public land-managing authority (Department of Conservation and Environment at the time) had formally implemented many of the accepted recommendations. In its defence, and with some justification given the complexities of reserving land under the *Crown Land (Reserves) Act*, the Department responded that public land was managed in accordance with the recommendations, even when the land had not actually been reserved.

Rivers and Streams Special Investigation

Date of study: Nov 1987–Jun 1991

Regions covered: Statewide

The result of this investigation was a legislated system of Heritage Rivers (with significant natural, recreational, scenic and heritage values) and natural catchment areas across Victoria. While welcomed by those concerned about the condition of rivers, this study cut across the interests of many groups, and was perceived as particularly threatening by water authorities. Melbourne Water had brought its considerable weight behind efforts to protect its catchments from logging, but LCC proposals that might restrict its ability to dam the Big and Black Rivers for Melbourne's future water supply were vehemently opposed. This antagonism flowed through to country water authorities, resulting in robust debates both within the study group and in the broader community. At a Bairnsdale meeting, the proposed Mitchell Heritage River was opposed by a large crowd stirred up by misinformation, while there was strong support for other proposals such as restoring flows in the Snowy River.

Wilderness Special Investigation

Date of study: Aug 1988–Nov 1991

Regions covered: Statewide

This study focused on systematically identifying and recommending special protection for areas with high wilderness quality. The resulting 20 wilderness areas and zones covered 3.5% of Victoria (9.4% of public land). Resource use (timber, mining or exploration for minerals, grazing, and apiculture), hunting and motorised transport would not be permitted so, understandably, affected industries and recreation groups objected. Of the total 2 650 submissions, 1 177 (44%) were about hunting and 613 (23%) about vehicular access. However 94% of the total wilderness area recommended was in existing national or wilderness parks (largely because roads, logging and other activities had compromised wilderness values in other areas), so in fact any new restrictions were minor. Ensuing legislation produced the first statewide wilderness system in any Australian state or territory.



Large Mountain Ash, Hensleigh Creek Road, East Gippsland, and LCC research officer Brian Weavers

Historic Places south-western Victoria Special Investigation

Date of Study: Feb 1995–Jan 1997

Regions covered: South-west 1 & 2, Wimmera, Corangamite and parts of Ballarat and North Central

This groundbreaking study compiled and assessed data on over 2 000 places of historical significance, recommending 67 historic and cultural features reserves and zones, and protection for another 285 significant places and 400 notable places. Mining, timber harvesting, public buildings, water supply, settlement, recreation and other themes were represented. The huge study area extended from the edge of the Mallee to Cape Otway. Many local issues arose, mostly where industry or local government wanted to disturb or demolish structures, or where managers considered structures too expensive to maintain. Some specific issues included: the old Hopkins River Bridge at Warrnambool (since demolished and replaced); 'Stick Shed' war-time wheat storage at Murtoa (recommended for protection but not accepted by government); and areas of Aire Valley softwood plantation (some old plantings of unusual species such as Californian redwood were recommended for protection).

Tehan's announcement in 1997 that the LCC was to be abolished shocked those involved in the organisation. There had been no consultation, either with staff or the wider community. The Liberal coalition government led by Jeff Kennett had been the most pro-development in the LCC's history. Fears were widespread that the LCC's abolition was politically motivated.

While those at the coal-face could always see further scope for LCC work, those slightly removed from the LCC could see that the organisation was running out of work under the framework of its initial charter. Few of those involved in the early LCC envisaged that it would continue for as long as it did. By the end of the 1990s the LCC needed a change of focus: a new, expanded or altered task.

Although the original review task of the LCC was seen to be dwindling, the process itself had been a remarkable success, worthy of application in other areas. But even the LCC process had been undermined by some quite unrelated changes in public-service life. The conventional model of bureaucracy on which the LCC's structure was based had changed under the Liberal Bolte and Hamer governments, and a more 'managerial' model of public service came to fruition under the Cain Labor government. Performance appraisal became a standard requirement for senior executives, who were no longer permanent departmental 'mandarins' but often contracted expert managers who moved between departments (Alford & O'Neil, 1991).

The Kennett coalition government took the process of bureaucratic change much further. Following worldwide trends, promoted particularly by American ideologies, the government developed a 'contractual' model of public service (Alford & O'Neil, 1991). Everyday 'government' by public servants was reduced in favour of greatly increasing the power of executive government. Departments' staff numbers were slashed and their work largely outsourced. Semi-autonomous and autonomous 'public service' bodies, like the LCC, were routinely restructured to suit the new economic and ideological interests.

Whatever the merits of these changes, they had unexpected consequences for other aspects of public-service life. Institutional history, resident in long-term staff, was eroded, and the knowledge base of departments declined. With management skills given priority over knowledge-based experience, departmental heads were rarely experts in their fields. Knowledge and expertise were effectively demoted to more junior levels of the public-service hierarchy.

Changes like these eroded the effectiveness of the LCC. Increasingly, the Council members relied upon the expertise of others in their departments. Many were unable to act as 'experts', as required under the legislation. The alternative, placing departmental experts on the Council, was not feasible either. Decisions reached by junior members of staff, no matter how expert, lacked the authority required to ensure departmental approval.

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Such a model would have provided many opportunities for departmental lobbying after recommendations were reached. Minimising such lobbying was one of the key achievements of the LCC.

The amalgamation of departments had also undermined the structure of the LCC. Whereas once LCC members included individual heads of eight autonomous departments, by 1997 all seven public service members were from the same mega-department, the Department of Natural Resources and Environment. While the ratio of public servants to external members had not increased (indeed it had decreased from almost 3:1 to less than 3:2), there was an impression of public service dominance. The LCC was seen as top-heavy and old-fashioned in the modern, more privatised environment.

Looking beyond the forests

The LCC's deliberations were also overshadowed in the 1990s by the federally funded regional forests agreement process. This initiative was intended to resolve contentious land use issues in timbered country and provide certainty to the timber industry. The regional forest agreements duplicated many of the LCC regions in Victoria, removing some of the necessity for the LCC to revisit issues in these areas. In a tacit acknowledgement of LCC expertise in land use issues Ian Miles, for many years the Director of Land Use Planning at the LCC, was appointed to head Victoria's regional forest agreement process. These government reviews had considerable public input, but nevertheless created much public concern, with many environment groups refusing to participate. In states with poor records in the management of public land, the regional forest agreements may have proved a welcome development and improvement on the *status quo*, but it is debatable whether they were an improvement for Victoria.

With better Commonwealth funding the forest agreement process was able to conduct even more extensive consultation with local communities than the LCC, and base decisions on even more sophisticated data. The regional forest agreement process was also able to investigate areas that might not have been approved for further LCC investigation, resulting in protected areas the LCC would not have had the opportunity to consider.

Over the past thirty years, however, one of the noticeable changes in investigations has been the LCC's ability to move both conservationists and industry away from a simplistic and polarised debate over forests. With its broad ambit, the LCC was able to consider the full range of ecosystems both in the state and within forests themselves. In this respect, the regional forests process pushed the debate back to a focus on forest ecosystems, and particularly harvestable forests. Forestry has always been at the forefront of quality scientific research but, no matter how good that research, it remains literally dominated by trees. From an ecological and environmental perspective, public land planning and management requires a much broader view than one in which the woods cannot be seen for the trees.

Expansion in public consultation is also a double-edged sword. Extensive consultation is only beneficial if people feel their input is heeded and influences the outcome. For example, Scott insisted that reports explain the reasons for rejecting proposals made in submissions. Extensive consultation without any apparent effect may simply result in cynicism and a lack of commitment to the end result. One feature of the LCC process was that it largely avoided such cynicism and enabled participants to feel some ownership of the resulting decisions.

The quandary, however, remains the issue of time. Good consultation takes time to be effective but is often too slow for the pace of government.

The new task

Despite these concerns, it seems there remains a need for an organisation to handle public land use issues in Victoria. The initial review of the state may have been completed but, as the 1980s and 1990s demonstrated, changing community needs and expanding environmental knowledge frequently call for issues to be revisited. New areas of investigation open up. Changing community perceptions allow issues to be addressed that could not have been tackled earlier. The LCC's Wilderness Investigation was a milestone that could not even have been contemplated when the LCC first began. The level of resistance met by the more recent Marine and Coastal (later Marine, Coastal and Estuarine) study in some sectors of the community is probably indicative of its avant-garde nature. LCC history has repeatedly demonstrated that it takes time to bring a wide cross-section of the community into debates like these and to move forward from the initial intransigence. The ability of the LCC to revisit issues after people have had time to assess the value of earlier decisions was pivotal in gaining acceptance of many conservation measures, and of the LCC itself.

The Environment Conservation Council

Tehan's proposed replacement for the LCC was the Environment Conservation Council (ECC), a much smaller, more focused, streamlined structure. The legislation scripting its task was brief and to the point (See Appendix B).

The functions of the ECC were to 'carry out those investigations that are requested by the Minister into the balanced use or development of public land or any flora, fauna or minerals on above or under that land or water flowing over that land' (ECC Act, 1997, Sec 6.(a)). This differs from the LCC purpose only in the particular emphasis accorded to 'development' as one of the many 'uses' to be balanced by both the LCC and ECC. Similarly, a comparison of the matters to be taken into account under LCC and ECC investigations reveals not so much a change in substance as a more subtle change in language, giving tacit priority to different factors. The LCC legislation clearly emphasised the importance of environmental preservation and the creation of a variety of parks and reserves. The social and economic implications of land use recommendations were also to be considered, almost as an afterthought. By contrast, the ECC legislation listed issues of economics and development before issues of environmental protection and conservation. The fact that 'the need to protect and conserve biodiversity' came last in the list of concerns may not have been a deliberate attempt to lower its priority, but was interpreted by some to reflect a change in focus.

The way in which investigations were initiated was also changed. Both the LCC and government had the right to put forward proposals or requests for investigations, although final approval always rested with government. Under the ECC, only the minister could request an investigation. Furthermore, under Section 17 (3)(a) 'the Minister may, at any time during the course of an investigation – direct the Council on any matters it is to take into consideration' – a restriction on ECC independence which was interpreted by many as a direct response to David Scott's 'bare-faced defiance' of Maclellan's instruction to defer the Melbourne 2 Review in earlier

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years. Such directives were, however, at least transparent in that they had to be put before parliament and published in the Government Gazette.

Similar ministerial control was apparent in changes to the public release of reports. Whilst the LCC had typically released reports to interested parties and the general public as soon as they had been presented to the minister, the ECC presented reports to the minister first, only releasing them after the Minister had tabled the report in Parliament. Although LCC ministers may well have anticipated the outcomes of some investigations with trepidation (and were briefed just prior to publication), by the time they saw the final report there was little opportunity to intervene. Whilst the ECC system was somewhat different, in practice there was still little opportunity for intervention as the Minister was only briefed when the report was presented, and the Minister was then obliged to table the Report in Parliament within seven sitting days.

Tehan argued that the greater range of investigations now open to the ECC required greater flexibility in potential Council membership. In line with general trends away from public-sector dominance of authorities and boards, the ECC was to consist of just three part-time members, all nominated by the minister. Unlike the detailed legislative descriptions for each LCC member, ECC members were simply to be 'persons who, in the opinion of the Minister, have the experience and knowledge necessary to enable the Council to carry out its functions' (ECC Act, 1997, Sec 5 (3)).

The minister's ability to choose any Council members whose opinion he or she values opens the way for claims of reduced ECC independence. Such changes, however, were part of a broader political agenda to move away from public service domination. Government can be

seen as operating on two levels – that by elected parliamentarians and that by appointed public servants. One of the Kennett government's driving ambitions was to strengthen the power of the elected government (vs. the 'appointed' government) by centralising control in the hands of ministers, cabinet and particularly the office of premier. Rather than being seen as partners in government, public servants, particularly those appointed by the previous Labor government, were seen as competitors for authority. Long-standing departmental heads were soon replaced by individuals whose views were seen to be compatible with the government's goals of removing regulation and facilitating business.

Another seat of potential public service power lay on the boards or councils of independent agencies such as the Auditor-General, LCC, Environment Protection Authority, and Melbourne and Metropolitan Board of Works. In the past, men such as Alan Croxford, who ruled the Melbourne and Metropolitan Board of Works in the 1970s, were extremely influential. The power of the Auditor-General's office, and the Kennett government's response to such threats, was amply illustrated by the public stoushes with, and ultimate removal of, the Auditor-General Ches Baragwanath in the 1990s. The down-sizing, removing and restructuring such independent agencies, and their associated Acts, was a way of responding to and pre-empting opposition. In this context, the political motives for replacing public-service defined councillors on the LCC with outside experts was arguably not so much to allow the minister freedom to appoint 'mates', but to move power from the public sector to isolated private individuals offering no threat to, and having no interest in, the business of governing.

Whatever the ideological motivations behind the move to external councillors, the effect was not to reduce ECC independence. External councillors might actually be less

likely to bow to political pressure than public-servant councillors. All public servants are ultimately accountable to their minister for their career prospects. The part-time ECC councillors, on the other hand, were generally employed by the private sector, and their career prospects were largely independent of government.

A less obvious, but similarly significant change took place over budgetary control of the ECC. The argument was not so much about how much money there was but who controlled it. Rather than having its own budget stream and control over staffing, as the LCC had done, the ECC had a budget and staff controlled by the Minister for Conservation directly through the Department of Natural Resources and Environment. Similarly, a new clause ensuring budgetary accountability was added to the ECC legislation. The ECC would be required to 'map out the way in which it proposes to conduct an investigation and the . . . agreed level of resources will be provided by the secretary [of the Department of Natural Resources and Environment]' (Tehan, 20 May 1997, second reading).

While such budgetary regulation provided another potential avenue for political intervention, this proved a theoretical or perceived concern rather than an actual problem. Budgets for both the LCC and ECC remained relatively stable throughout the 1990s without noticeable decline. It is difficult, in any case, to see any other way of reconciling public demands for fiscal responsibility and accountability without laying ultimate responsibility at the feet of an elected minister.

The failure of such perceived threats to materially reduce ECC independence probably reflects the fact that these particular changes were not entirely an attack on LCC/ECC independence but also reflected changes in modern management fashions. Just as the functioning

of the LCC was often influenced by changes in the structure and role of the public service, so too these changes had an almost unintended effect on the nature of the ECC.

The new Council

After these upheavals, the appointment of the first three Council members was closely scrutinised by all interested parties. Clearly, Tehan was under pressure to demonstrate that this restructure was not a device to stack the new Council with government cronies. Significantly, the chairman of the LCC, Don Saunders, was persuaded to stay on to provide continuity between the new structure and the old, despite cries about his 'green bias'. Similarly, the ECC retained the services of Barry Nicholls from the Department of Planning, formerly Deputy Chair of the LCC. Only the third member, Eda Ritchie, had no previous connection with the LCC or the public service. As a Western District farmer and former president of the Victorian Liberal Party, Ritchie excited great suspicion among observers critical of the change to the ECC. Yet her involvement in a variety of conservation activities, including aspects of her work on the Western Regional Coastal Board, belied such suspicions. Ritchie's performance on Council soon reminded her critics of the often-forgotten Liberal conservationist tradition that had originated among Western District farmers like Claude Austin and financier Sir Ian Potter, the forefather of the Landcare movement.

Lacking direct access to departmental expertise, the new Council placed far greater demands on staff for information and support. The absence of a full-time chairperson on Council also increased the workload of the former Director of Land Use Planning, now Executive Officer. With far fewer members, the work pressure on each individual councillor also increased, despite their

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part-time status. Appointees had been enticed to participate on the ECC with reassurances that ECC work would be little more than half a day per month, or one day per month for the chair. Needless to say, the workload was considerably greater. Unlike the LCC members, all ECC members participated in public consultation, rather than just the chairperson and LCC staff. The size of the LCC had enabled some councillors to take things a little easier, or at least rely on briefings from their departmental staff, but the small size of the ECC required all councillors to shoulder the full burden of participation. ECC councillors needed to read all the

submissions, attend many, if not all, of the public meetings, and certainly do more field trips than many of their LCC predecessors.

Life goes on

In practice, the work of the ECC continued much as it had done previously. Well-established lines of interdepartmental communication continued to allow research to be sourced from other departments, though consultation at an official or legislative level had decreased. On the other hand, while the LCC had previously



ECC and VEAC Member Eda Ritchie (left of woman in blue) at a community forum, Lavers Hill

ensured that departments participated in and had ownership of the decisions reached, the new process allowed no such departmental ownership. This distancing of Department of Natural Resources and Environment senior staff from the ECC board had the potential to decrease the department's commitment to the ECC decision-making process. For example, although extensive departmental work was completed for a first submission to the ECC on the Box-Ironbark investigation, the material was never finalised and formally transmitted. This decision by senior management not to pass on relevant expert opinions within the department was bitterly resented by many Natural Resources and Environment staff, resulting in a series of 'constructive' leaks to the ECC over several months.

Departmental opponents to recommendations now had the potential to lobby government directly after the recommendations were made, instead of expressing and resolving their differences in Council before a vote. Indeed, direct lobbying of ministerial offices by a group of field forestry staff attempted to delay the Box-Ironbark draft recommendations just days before publication. While the draft recommendations were not delayed, disputes over figures used in some, particularly timber, analyses delayed publication of the Box Ironbark final recommendations.

The increasing complexity of ECC reports, and particularly the methodological difficulties inherent in socioeconomic analyses, opens up a whole new field of challengeable facts. The relative simplicity of facts in early LCC reports made them less contentious. More detail improves accuracy but allows more scope for disagreement. There are more grounds for departments, or sections within departments, to lobby and influence ECC

recommendations and this may be more inclined to happen externally rather than resolving them within the LCC process. The old pre-LCC adversarial system of lobbying and arguing over public land use priorities had the opportunity to re-emerge under the ECC. The fact that this pattern did not emerge to any great extent was testimony to the networks and relationships built up under the LCC. An ECC-like structure might not have survived political intervention in the 1970s, but with a history of LCC success to build on, the new ECC seemed more than capable of continuing its task 'into the new millennium' (Tehan, pers. comm.).

Into deep water

Even though it was following in well-trodden LCC footsteps, the ECC's path was by no means smooth. Investigations remained as contentious, vitriolic and passionate as ever.

When the ECC was formed, the LCC had almost completed its final recommendations on the Marine and Coastal Study. In 1991 the LCC had for the first time moved 'offshore' to consider the balanced use of marine resources. Unlike the land, marine territory is unalienated and effectively all comes within the ambit of 'public ownership'. Yet, while public land management by government departments is generally expected and respected, public ownership of marine resources seems to evoke a much more personal, individual assertion of ownership and access rights. An abalone poacher recently commented that the sea belongs to everyone, so the fish are there for everyone to take. This sense of community ownership is particularly strong in Australia, perhaps because marine and coastal resources (below the high tide line) cannot be privately

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owned. Despite the obvious environmental damage inflicted by poorly regulated exploitation, there is intense resistance to increased marine resource management and protection by government.

Both recreational and commercial fishing interests were antagonistic to the LCC's proposed recommendations in the Marine and Coastal Study, while conservationists regarded its measures as inadequate. The LCC recommended a spatially simple system of large multiple-use marine parks containing numerous smaller marine sanctuaries, which would be fully protected. The total area protected under both systems exceeded 200,000 hectares, more than 20% of Victoria's marine area.

The multiple-use marine parks were not popular. Fishing interests didn't like them for fear that they were the

'thin edge of the wedge' and that 'no take' would soon apply to entire parks. Mass meetings frequently expressed strong opposition to marine parks from both the recreational and commercial fishing sectors. Conservationists similarly feared the 'slackness' in the definition of multiple-use parks, taking particular note of the history of loose management of commercial fishing. Fishermen feared a 'park' label would ultimately exclude all fishing, while conservationists feared the proffered definition of park and sanctuary offered little protection from over-fishing at all.

The unofficial reception of the LCC's draft final recommendations on the Marine and Coastal Study was also rather cool. Although Tehan was now responsible for the LCC, she shared ministerial responsibility for the



ECC Chairman John Lovering, DSE and ECC staff at Gabo Island in far East Gippsland

Department of Natural Resources and Environment with the deputy premier and leader of the National Party, Pat McNamara. McNamara had a specific responsibility for Fisheries. The LCC recommendations clearly needed his support to be accepted by government. Instead, the LCC was abolished and new, more specific terms of reference were established for a Marine, Coastal and Estuarine Study by the ECC. The timing of the ECC's establishment was fortuitous for interest groups opposed to the LCC recommendations and some fishing interests heralded the abolition as a victory for their cause and claimed its 'scalp'. So too did many traditional LCC opponents in the National Party. Their victory, however, was pyrrhic. The new ECC was no more inclined to abandon its commitment to balanced public land use than its predecessor had been.

Despite establishing the ECC, the government seemed committed to progressing cautiously on conservation issues, particularly in the marine environment. The new terms of reference for the Marine, Coastal and Estuarine Study included a commitment to a 'progressive' rather than immediate implementation of representative parks. Similarly the ECC was instructed to prioritise recommendations for one national park and one marine aquaculture area before returning to its main task of reviewing the entire coast. This 'pilot study' kept the ECC busy for its first year, producing an interim report recommending the Port Phillip Heads Marine Park. This recommendation was not accepted by Cabinet over concerns that a park might interfere with future shipping activities through the head of the bay. In December 1998, Tehan requested 'that the ECC review the recommendations for Port Phillip Heads Marine Park, having regard to the incompatibility of incorporating major shipping channels in a marine park'. The review of this park was incorporated in the final report for the investigation.

By the end of the ECC's first year, the tenure of Saunders and Nicholls had come to an end. They had both been appointed on one-year contracts to provide continuity with the LCC while Ritchie had been appointed on a three-year contract. The provision of such 'rolling' appointments to boards is another popular aspect of modern management practice and a far cry from the traditional approach of retaining experience within institutions. But, having softened the impact of the LCC's demise, Saunders and Nicholls were soon replaced by two new council members with no previous relationship with the LCC.

The ECC Mark II

John Lovering had been Vice Chancellor at Flinders University, South Australia and professor of geology at Melbourne University with experience on several company boards, as well as national and international scientific and government committees. His work as President of the Murray-Darling Basin Commission made him a strong candidate for chair of the ECC in 1998.

Jane Cutler was seen as a far more contentious choice, although she had a Masters degree in Environmental Science. Cutler had worked for many years managing environmental issues for the resource industry, and at the time of her appointment she was Director of Environmental and Community Affairs for BHP. There were many at the frontline of the conservation battleground who felt uneasy about a councillor who worked for the 'enemy'. Conservationists viewed the make-up of the new board with suspicion – what did a farmer, an academic geologist and an industry person know about the environment?

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Back to the drawing board

The new Council sat down yet again to examine the Marine, Coastal and Estuarine Study. In 1998 a visitor from New Zealand, Bill Ballantyne, suggested a different approach from the one the old councils had battled with. As a result, the new ECC decided to abandon the multiple-use parks concept in favour of a dramatically

different approach. The new recommendations put forward a more precise system of marine national parks, marine sanctuaries, marine conservation parks (which allowed existing multiple use to continue) and marine special management areas with a lower level of protection. The total area protected under this system (just 124,789 hectares) would be lower than that protected under the LCC multiple-use park proposals (195,300



Don Saunders and John Lovering at Greater Bendigo National Park, 2002

hectares), but the areas afforded higher level protection had increased. While just 31,500 hectares (3.1% of Victoria's marine area) were to be fully protected under the original marine sanctuaries in 1996, protection under marine national parks and sanctuaries was doubled to 63,136 hectares (or 6.2%) in the ECC final recommendations. The more targeted nature of the protection in place would allow popular and productive fishing areas to remain accessible, while smaller, sensitive regions could be afforded more protection than would be possible under a multi-use park system.

In some ways, the history of the Marine, Coastal and Estuarine Study parallels the experiences of the controversial Alpine study of the mid-1970s. In both cases multiple-use reserves seemed the appropriate way to manage environments with highly fragmented uses and features. Flexibility of use seemed to offer the answer to competing use and conservation claims. In both cases, the proposal for multiple-use reserves received an angry or negative response from conservationists and commercial interests alike. While flexibility may offer a compromise, it also lacks certainty and did nothing to allay interest-group fears that all the flexing will go in the other direction. In each case, both sides of the debate wanted certainty. Both those wanting to conserve the environment and those wanting to utilise it preferred certainty over smaller areas to uncertain, flexible arrangements over larger zones.

With the publication of the final recommendations on the Marine, Coastal and Estuarine Study in 2000 and the final recommendations on the Box-Ironbark Study in 2001, the ECC had largely proved its ability to maintain the LCC's tradition of a balanced approach to land-use planning. The ECC's ability to finalise two such extremely complex investigations in just a few years, in a politically challenging climate, established the ECC as a worthy successor to the LCC. The ECC had strengthened its commitment to public consultation and being an independent arbiter of public land use debates. Conservationists and commercial interests alike were reminded that, even if they were not always happy with the outcome, they were dealing with an ongoing process they understood, could rely on and would have to deal with.

But this gradual return to stability was soon rocked by the unforeseen loss of power by the Liberal Kennett government at the end of 1999. Unexpectedly thrust into office, the new Labor government hastily worked to develop its election platform into the policies of government, including a commitment to restore the powers and perceived independence of the LCC. In February 2001, the Minister for the Environment, Sherryl Garbutt, announced that, in line with election policies, a new body would replace the ECC – the Victorian Environmental Assessment Council (VEAC).

Marine and Coastal Special Investigation (LCC)

Marine, Coastal and Estuarine Investigation (ECC)

Date of Study: Sep 1991–Aug 2000 (LCC: September 1991 to June 1997, ECC: July 1997 to August 2000)

Region covered: Entire coastline to three nautical miles offshore and one kilometre inland (excluding the Gippsland Lakes)

This was the longest and undoubtedly one of the most difficult investigations initiated by the LCC (and completed by the ECC). The concept of highly protected marine parks was not well understood or accepted in the community and many of the battles fought over the previous 100 years to establish a system of land based parks were again fought in the marine environment. This study covered all marine waters rather than investigating region by region as had been done on land. Due to the difficult and contentious nature of the investigation, the LCC produced both proposed recommendations and draft final recommendations. The final recommendations were nearly completed when the LCC was replaced by the ECC.

As with the earlier Alpine Investigation, a major issue was whether to pursue multiple-use parks. Initially, under the LCC, large multiple-use parks with highly protected sanctuary zones were favoured. The ECC moved away from this approach and, except for initially recommending a multiple-use park at Port Phillip Heads, highly protected marine national parks and smaller, also highly protected, marine sanctuaries were proposed.

There was considerable lobbying following the Government's favourable response to the ECC's final report, particularly by recreational and commercial fishing interests, which in turn were firmly resisted by conservation groups. Numerous changes were made to park boundaries to gain bipartisan political support for the required legislation. The final changes however were relatively minor and the highly protected area was only reduced from 6.2% to 5.3% of the marine area. The changes meant that the resultant Bill was unanimously supported in Parliament by the Labor Government and the Liberal Opposition, following the strong precedent of bipartisan support for the recommendations of almost all LCC investigations.

Despite all the difficulties, a comprehensive, adequate and representative system of marine national parks (and smaller marine sanctuaries) was established along the length of the Victorian coast. The system provided the highest level of protection for 5.3% of the State's marine waters. It was generally acknowledged that this was the first time anywhere in the world that such a system had been established covering the whole marine environment of a country or state.



ECC Members John Lovering and Jane Cutler at Mud Islands, Port Phillip Bay

Box Ironbark Forests and Woodlands Investigation

Date of Study: Nov 1995–Jun 2001 (LCC: Nov 1995 to June 1997, ECC: December 1997 to June 2001)

Regions covered: Most of North Central and Murray Valley, and parts of the Wimmera, South West 2, Ballarat, Melbourne 1, Melbourne 2, and North-east 2, 4 and 5.

Public land in the Box-Ironbark area was highly fragmented and many towns adjoin the bush, resulting in intensive local use for many purposes. Public land was important for the production of gold, honey, high quality timber and firewood, and eucalyptus oil. Parks and conservation reserves were relatively scarce despite the high proportion of threatened species. Inevitably, many issues arose when the ECC moved to alter the balance towards better biodiversity protection. Timber Communities Australia (TCA), the Prospectors and Miners Association (PMAV) and the apiarists associations were re-energised in opposition, and were active throughout the study. The Bush Users Group (BUG) was established late in the study, initially to oppose ECC recommendations. Numerous conservation groups – existing and new – were also active in this study. There was comprehensive data on vegetation and wildlife condition, but as virtually all public land was committed to current uses there were complex issues in all areas. In particular, TCA established Rushworth and Heathcote branches which called large public meetings and mobilised large numbers of submissions against parks; PMAV set up a public meeting at Dunolly in its heartland; the Public Land Council (PLC) arranged a large public meeting in Bendigo; and there was some apprehension from adjoining landowners and hunters over the linear Broken–Boosey State Park proposal. While Government was considering the recommendations, BUG arranged a public rally in Bendigo which they claimed attracted 3 000 people. Features of the rally were a ritual burning of the ECC's report and a pro-parks sky-writer message organised by VNPA.

As well as recommendations for several new or enlarged national and state parks, a number of innovative recommendations were made. These included areas of the Broken and Boosey Creeks as a linear state park, a new category of national heritage park (to recognise very high historic and cultural values in the Castlemaine area), and a mechanism to resolve differences between user groups and public land managers. Council also recommended a depth limit of 100 metres in some parks and reserves and that dense regrowth should continue to be thinned in parks and reserves to encourage growth of retained trees.

The Government responded relatively quickly, accepting the ECC's land tenure recommendations in principle in November 2001. This included the geographical extent and status of the recommended parks, forests and reserves, but did not address implementation. To facilitate this the Government established a panel and a team in the Department, and prepared a detailed response. With relatively few changes the legislation to create the new parks was passed by Parliament in October 2002 and the parks were proclaimed shortly afterwards.



Dept. of Natural Resources & Environment and ECC staff advise Chairman John Lovering in Crosbie Forest, Box-Ironbark Investigation

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The Victorian Environmental Assessment Council

The new Council bears as many similarities to the ECC as it does to the LCC, so it is by no means a simple return to the past (See Appendix C – VEAC Act). Indeed, many of the changes are perhaps more moderate than might have been expected, perhaps reflecting the ECC's success at fulfilling its charter despite considerable differences from the LCC.

An expanded role

The original appointment of a full-time chairman to the LCC was long recognised as excessive. Although Dimmick filled his time very successfully with lobbying and driving his office at maximum speed, his successors found a full-time appointment less necessary. Scott took the opportunity to participate in other community activities where the consultation process used at the LCC could be beneficially applied. Saunders was soon persuaded to cut back to a part-time position. With up to fourteen members on Council, the workload of each councillor was variable and not necessarily onerous, depending on the enthusiasm of each individual.

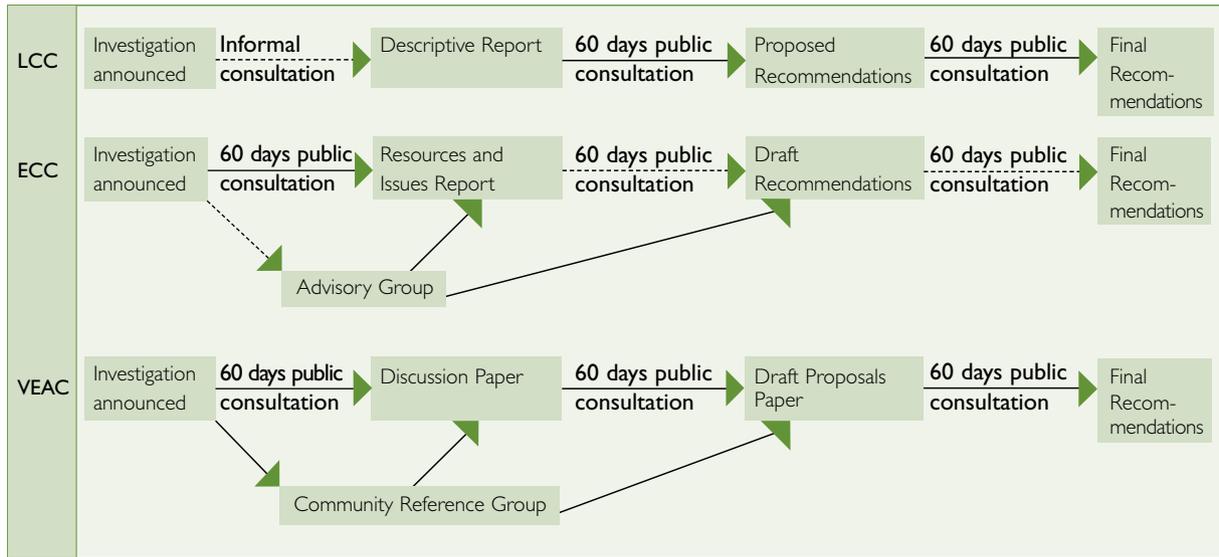
Reducing the size of Council under the ECC was therefore not particularly unreasonable or surprising. Cutting it to three part-time councillors, however, was probably extreme. Far from occupying the promised half or one day per month, work for the ECC actually translated into a one-third-time position for the chairman and one

quarter positions for the other councillors (Loving pers. comm.) – particularly demanding considering their other commitments. The Liberal government refused an ECC request for a fourth councillor to assist with the Box-Ironbark investigation.

The VEAC structure sought to rectify this deficit by appointing a five-member Council – more manageable than the LCC, more realistic in its expectations of councillors than the ECC. Like the ECC, these members were government-appointed but collectively have expertise in environmental conservation, natural resources management, tourism and recreation, economics and business management and community consultation and participation. They must also be familiar with indigenous issues, local government, rural and regional affairs as well as social and community issues.

On July 15, 2002 Minister Garbutt announced that Dr Brian Robinson, formerly chair of the Environment Protection Authority, would take up the chair of the VEAC. The services of Eda Ritchie were to be retained on the new council in addition to three new members. Dr Sarah Ewing's experience included membership of the Victorian Catchment Management Council and Australian Landcare Council. Mr Duncan Malcolm had a long history in natural resource management as Chairperson of the Gippsland Lakes Coastal Board, with the Lakes and Wilderness Tourism Association, Irrigation Association of Australia and Watermark. Dr David Mercer, senior lecturer in geography at Monash University, provided

Figure 10.1: Differences between the public consultation requirements of the LCC, ECC and VEAC Acts



Solid lines indicate legislatively required actions, dotted lines indicate activities generally undertaken but not legislatively required.

Note: While the Acts governing the LCC and ECC did not specifically state when consultation should take place, both Acts specified minimum consultation periods of 60 days. The VEAC Act is specific on when consultation must take place and again specifies a minimum 60 days but does allow variation on requirements with the Minister's approval.

one of the few independent and academic appraisals of the LCC's work. His early critique of the LCC's performance (Mercer, 1979) has been followed more recently by an acknowledgement of the LCC's unique role as a 'credible consultative structure ... and clearing-house for the dissemination of research and opinion on wilderness' (Mercer, 1993).

The expanded range of skills and participants on the new council perhaps reflects the expanded task ahead of this

new organisation. While both the LCC and ECC restricted their interests to the 'balanced use of public land', VEAC was charged with making recommendations on the 'protection and ecologically sustainable management of the environment and natural resources of the State of Victoria'. Initially, the proposed VEAC was to have the ability to include private land in its investigations, providing a much broader in scope than anything conducted by its predecessors. However, in the revised Act, the scope of investigation was curtailed, back to public land.

The third Act

While both the ECC and VEAC Acts pay service to the original LCC legislation, both bear the unmistakable hallmarks of their political origins. The minimalist ECC legislation revels in the small government/limited state interference ethos of the Liberal Party, while the lengthier VEAC legislation carries echoes of the public sector/public good concepts so beloved of the Labor Party. The major differences between both the recent Acts, however, and their LCC precursor are probably the result of changing public perceptions and demands about the role of independent government agencies.

Historically, the weak point in the public land use planning process has always been at the stage of making recommendations to government and ensuring that the approved recommendations are implemented. The new VEAC legislation was drafted to tackle both the problem of recommendations being delayed on the minister's desk and the failure to implement recommendations. Under the LCC, the minister was required to table the recommendations in parliament and recommend to the Governor in Council whether or not to accept them, either in part or in total. Under the ECC, the minister was still required to table the recommendations in parliament but there was no requirement for the government to respond to any of the recommendations. The VEAC legislation specifies that the government must not only present reports to parliament and make them publicly available on the internet within 7 sitting days of receipt but must also table a response to the VEAC recommendations in parliament within six months. This legislative requirement to respond to VEAC recommendations was not made of ECC.

The problems with implementation described in the Statewide Review have also been addressed in the new legislation. While the LCC legislation required the government to notify the various departments or authorities of their responsibilities arising from accepted LCC recommendations, there was no requirement to ensure such instructions were carried out. Under the ECC, the requirement for notification was dropped entirely. The VEAC legislation, however, states that the government must ensure that appropriate action is taken to implement accepted recommendations. Implementation and monitoring of public land use has long been recognised as an area of weakness for the LCC and its successors, and it is an area that could very fruitfully be expanded in the future.

Broader consultation

The trend for increased public consultation and engagement also continues with the VEAC. Community consultation has always been a strength of both the LCC and ECC, whether legislated for or not and the VEAC legislation reflects this history. Public consultation not legislated for was maintained by the ECC and new consultation processes developed. Both practices have been incorporated into the new VEAC legislation.

The organisation has come a long way since the days of Sam Dimmick who discouraged visitors to the LCC offices, disliked regional visits and regarded public submissions as the LCC's private business. Under David Scott, the LCC increased public consultation and notably instigated the practice of public, often regional, launches for final recommendations. The ECC made further expansions in this area, most

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VEAC Councillors Duncan Malcolm, David Mercer and staff at Angahook-Otway community forum, Colac

significantly in the way in which the councillors themselves (rather than just the ECC staff) made themselves available to discuss issues with interested parties in the regions under consideration.

Whereas the LCC's role had always finished with the delivery of the final recommendations, the ECC felt the need to continue the process of public engagement even after the final reports were produced. The increasing complexity of the issues addressed and the high public interest led the ECC to believe that there was an important (albeit limited) role for the Council even when the final report had been delivered. This process was initiated when the ECC ran a series of briefings on the release of the final Marine, Coastal and Estuarine report. These were restricted to Members of Parliament (of all parties and independents), representatives of the Melbourne media and the key interest groups. The ECC also produced a summary of the recommendations (and their rationale) for the media. More controversially, the ECC began responding to some of the more outrageous claims circulating in the media, particularly in letters to editors and opinion pieces, using the same media forum.

The turn of the tide

These novel developments for the Marine, Coastal and Estuarine investigation were generally supported. Many interest groups (even those who opposed the recommendations) found the summary media release assisted their understanding of the complex recommendations in the report. However, when the ECC considered how the trial had worked, the councillors felt that, although a number of country representatives of key groups attended the briefings, the process had not directly addressed regional Victoria and it had done lit-

tle to address the misinformation that inevitably circulated after the release of the Marine, Coastal and Estuarine report.

Despite the completion of the ECC's investigation, marine parks continued to be dogged by complications and controversy. Presented to Parliament in May 2001, the Marine Parks legislation was withdrawn by the Government a month later, largely due to lack of agreement in Parliament on compensation for commercial fisheries. The Government was also criticised by the Opposition for removing the recommended Cape Howe Marine National Park and Ricketts Point Marine Sanctuary. With significant changes to the compensation package and the reinstatement of modified Cape Howe and Ricketts Point parks, a revised Bill was overwhelmingly passed by the Legislative Assembly and then the Legislative Council in June 2002 with applause from both members and the packed galleries.

The successful passage of the legislation was in many ways the culmination of the work begun by the LCC. The marine area was the last 'region' of Victoria to be investigated. The LCC marine investigation was one of the key factors that led to the demise of the LCC. The highly protected representative marine parks system was a first time for any state or country in the world. Despite years of obstacles and difficulties, the public land planning system instigated by Borthwick had finally delivered on one of its most challenging investigations.

The Australian Senate unanimously congratulated Victoria on the establishment of the parks and sanctuaries and urged other states to legislate to protect their marine environments. Not all, however, had followed the long career and culmination of the marine parks investigation so closely. Late on Friday, 15 November 2002, on the

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eve of the parks' establishment, a fax arrived from the Commonwealth Minister for Fisheries, Forestry and Conservation, requesting that the park establishment be put on hold as "...regrettably I have only recently been informed of your Government's proposals".

The new marine parks were created on 16 November 2002.

Out of the woods

Public relations and consultation also dominated the culmination of another marathon investigation, the Box-Ironbark study. The long gestation period of the Box-Ironbark investigation, which first began under the LCC in 1995, had not ameliorated public opposition to some of the ECC's final recommendations. The Public Land Council, which commonly represented the interests of groups and individuals using public land, was increasingly regarded as too conciliatory by some of its members. The Bush Users Group (known as BUG) formed initially to fight the ECC's recommendations for the Box-Ironbark region.

At the completion of the Box-Ironbark report in 2001, the ECC again conducted briefings for Members of Parliament and key representative groups. In addition the report was formally launched at a media conference. Key reporters for the daily Melbourne media were briefed as well as key media outlets (press, television and radio) in the affected area. After the report's release, the ECC offered briefings to all local government councils within the investigation area (most of which accepted). Local media were offered briefings or photo opportunities at the same time.

The ECC also took a much more pro-active approach to countering misinformation in the press and a number of letters and opinion pieces from the Council were published. These responses, as well as reports regarding the council briefings led to complaints from some opposing groups that the Council was not fighting fair and that paid government staff had an unfair advantage over volunteer opponents. The personal attacks on the Councilors and on the professionalism of the ECC staff were apparently to go unanswered. Conservative politicians sitting on the opposition benches appeared divided with at least one prominent member siding with the protests. However another opposition MP specifically requested that the ECC attend a public meeting to address local people concerned about the recommendations.

While the Government accepted the ECC's recommendations in principle in November 2001, they also appointed a three-person panel, chaired by former Federal Industry Minister John Button, to facilitate implementation of the proposals. The committee dealt directly with representatives of those affected by the proposals and advised on appropriate transitional arrangements for those affected by implementation of the recommendations. The Department of Natural Resources and Environment established a dedicated Box-Ironbark Project Team to oversee implementation, particularly on the ECC's more difficult recommendations, while also addressing issues raised by the Button Panel, interest groups and individuals.

With the introduction of measures to consult, compensate and assist groups and individuals affected by the implementation, the *National Parks (Box-Ironbark*

and other parks) Bill was introduced to Parliament in September 2002 and, with some last minute changes allowing prospecting in national parks and a longer phase-out for eucalyptus oil producers, was finally passed by both the upper and lower houses in October. As with the marine parks, the National Party was a lone voice opposing the Bill, just as it so often has been in the course of LCC/ECC history. The Box-Ironbark national, state and national heritage parks were proclaimed on 30 October 2002.

Political intervention or policy introduction?

Political ‘intervention’ or at least, influence, has been apparent throughout the recent history of public land use planning in Victoria from the LUAC, through the LCC, to the ECC and it has ranged in its impact from benign and broadly acceptable to dramatic and revolutionary. The demise of the LUAC can be directly linked to McDonald’s attempts to direct it to find his preferred outcomes in Little Desert and the LUAC’s refusal to do so. In the 1970s and early 1980s government policy on increasing softwood plantations influenced many early investigations and was the driving motivation behind the Ovens Softwood and Hill End special investigations. Gellions Run special investigation focused on pines as well as the government’s policies on coalfields. With the change to a Labor government in the early 1980s, such political influence continued, albeit in a different direction. The Alpine special investigation was directed to take into account government policy on a contiguous alpine national park. Labor’s conservation strategy also led to the initiation of the Rivers and Streams and the Wilderness investigations.

The shift back to a conservative government in the 1990s often brought LCC recommendations into conflict with the more pro-development ideology. Maclellan’s failure to ‘defer’ (or halt) the Melbourne 2 review was followed by a refusal to consider the resulting recommendations. Even once the LCC was no longer Maclellan’s ministerial responsibility, he exerted an influence on the acceptance of its output. The Melbourne 2 review was finally approved but with many changes – in particular the recommendations for coastal reserves were never approved.

The abolition of the LCC just prior to publication of the Marine and Coastal Study’s final recommendations was probably partly prompted by government disquiet over the anticipated recommendations. This highly contentious study continued to attract ministerial intervention after it was recommended by the ECC, this time with a clear directive by Minister Tehan in late 1998 to take into account government policy and review the Port Phillip Heads Marine Park to exclude shipping channels.

Throughout the history of the LCC and ECC there has been a clear pattern of working within the confines of government policy. From the very first investigation into the South-West regions and the problem of pine plantations, councillors recognised the need to put forward politically palatable recommendations. Such caution was not just a feature of an infant institution’s need to establish its own legitimacy, but recognises the political realities which have surrounded the LCC and its successors. Just before the ECC was established, the Coalition government took a policy decision that Pacific Oysters should not be allowed for aquaculture in Victoria. Despite concerted pressure from aquaculture representatives, the ECC declined to revisit the issue on the

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VEAC staff Paul Peake and Shane Dwyer, and Members Sarah Ewing, Duncan Malcolm, Brian Robinson, Eda Ritchie and David Mercer at an Otways inspection

grounds that government policy had already been determined on the matter. Depending upon the government of the day, different interest groups either defend the ECC's right to independence from political interference, or turn a blind eye to 'interference' resulting in outcomes they favour. The Victorian National Parks Association supported the government 'directing' the LCC on the issue of the Alpine National Park but opposed similar 'directions' for the Port Phillip Heads issue. Such apparent 'interventions' are not necessarily unreasonable – government policy should, after all, reflect changing public opinion.

Inevitably, the extent to which the VEAC is able to work free from political intervention, will depend on the prevailing political climate as much as on legislative safeguards. Even before the official creation of the VEAC, Minister Garbutt had released statements foreshadowing investigations into areas like the Angahook-Lorne State Park which contains some of the state's best known scenic coastline (as with the ECC, VEAC investigations are determined by the minister rather than at the suggestion of the Council itself). With the new council announced, the Minister confirmed that their first task would be to investigate an upgrade of the Angahook-Lorne State Park. The Minister advertised Proposed Terms of Reference (as required by the new Act) on 27 July 2002 with the Council's inaugural meeting being held just two days later. The new Council was formally requested to begin the investigation on 8 September 2002.

The perils of reform

Reputation is everything in political and public life, and this certainly seems to apply to authorities like the LCC, ECC and VEAC as much as it does to individuals. Victoria's successful thirty-year history of resolving public land-use debates through an independent and objective arbitrator is the strongest safeguard for the VEAC's ability to continue this kind of work. As such, one of the most negative effects of recent restructures is the image of impermanence they bestow on any future Victorian public land use council. The LCC had acquired a reputation of solidity and reliability, built largely on its own stubborn insistence in performing its function. Every time such an institution is abolished, restructured or recast to suit prevailing political or ideological images, public faith is damaged. Stalling becomes a strategy for lobbyists on both sides – waiting for more fortuitous times or a more favourable review process.

The heavy hand of inevitability that came with the LCC process forced many combatants to a compromise. The ECC had only just begun to prove its staying power after a period of early suspicion and instability. Infant institutions have to prove their strength and stamina before they can begin to wield that kind of influence again. In the interests of institutional stability and effectiveness, changes are best made through an evolutionary process.

Politicians naturally like to flag their achievements with fanfare and publicity. The creation of a 'new' body is far more attractive and headline-grabbing than constructive, but low-key, amendments to the legislation of an existing body. The temptation to over-emphasise changes, to the

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detriment of the organisation's reputation, is all too great. Perhaps Borthwick's exhortation to the original LCC members would be as well considered by future legislators as by future public land use planners – consider not just the here and now (or the next election), but make your decisions 'as if for a thousand years'.

The survival and achievements of the LCC and ECC belied the politically fraught environment in which they originated and operated. It is remarkable to consider that the system of marine parks in Victoria would probably never have been created if it were not for proposals to convert the Little Desert to farmland in the late 1960s. A poor land use decision, a stubborn Minister, changing public opinion and a hint of perceived corruption com-

bined to change enough votes for the Government to listen and act. Add to that the rare good fortune of a far-sighted junior minister willing to listen and work with his senior public servants and the stage was set for a uniquely successful public land planning system like no other in the world. The LCC was created to deal with an uncomfortably controversial public land issue. It has continued fielding the hottest of political potatoes with an expert and resolute determination to provide balanced and soundly based recommendations. The ability of the VEAC to continue to take the heat out of contentious public land issues is probably its best insurance for long term survival and a continuation of the practice of seeking common ground on our public lands.

Table 10.1: Study Area Summary

Study area	Total study area	Public land in study area	Public land as % of total	Recommended parks & reserves	Recommended parks & reserves as % of	
	ha	ha		ha	public land	total study area
Alpine	1 609 000	1 425 000	89%	404 660	28%	25%
Alpine SI	1 609 000	1 425 000	89%	650 300	46%	40%
Ballarat	820 000	73 000	9%	13 865	19%	2%
Box-Ironbark	2 950 000	427 000	14%	182 356	43%	6%
Corangamite	1 500 000	227 000	15%	55 000	24%	4%
East Gipps.	945 000	832 000	88%	165 140	20%	17%
East Gipps. R	945 000	832 000	88%	282 586	34%	30%
Gippsland Lakes Hinterland	885 000	510 000	58%	60 190	12%	7%
Mallee	4 323 000	1 745 000	40%	386 850	22%	9%
Mallee R	4 323 000	1 670 000	39%	232 800	74%	29%
Marine	993 000	993 000	100%	61 566	6%	6%
Melbourne	2 650 000	870 000	33%	272 600	31%	10%
Melb 1 R	926 000	138 900	15%	50 335	36%	5%
Melb 2 R	1 563 330	744 680	48%	196 820	26%	13%
Murray Valley	1 560 000	134 000	9%	31 261	23%	2%
North Central	1 930 000	290 000	15%	45 510	16%	2%
North-east 1	318 000	154 000	48%	46 764	30%	15%
North-east 2	350 000	85 000	24%	10 874	13%	3%
NE 3, 4 & 5	840 000	421 000	50%	71 950	17%	9%
NE 1, 2 & 4 R	1 063 000	400 000	38%	90 777	23%	9%
South Gipps. 1	228 000	77 000	34%	30 423	40%	13%
South Gipps. 2	600 000	210 000	35%	61 860	29%	10%
South-west 1	726 000	223 000	31%	57 222	26%	8%
South-west 1 R	726 000	223 000	31%	69 760	31%	10%
South-west 2	1 533 000	337 000	22%	211 367	63%	14%
Wimmera	1 670 000	193 000	12%	139 833	72%	8%

Note: SI = Special Investigation, R = Review

Postscript – VEAC

As If For A Thousand Years concludes at the start of VEAC's Angahook-Lorne Investigation, in September 2002.

The Hon. Sherryl Garbutt was Minister for Environment & Conservation to 4 December 2002, when the Hon. John Thwaites, Minister for Environment, assumed responsibility for the VEAC Act.

Angahook-Otway Investigation

VEAC's Angahook-Lorne State Park reference was expanded in February 2003 to become the Angahook-Otway Investigation, taking in almost all the Otways public lands, and including the requirement to determine the boundaries of a single national park in the Otway Ranges.

Government policy prior to the 2002 election was to phase out native forest timber harvesting from the Otways by 2008, and under the terms of reference for the Investigation, VEAC was required to take this policy into account.

About 1950 submissions were received during the Investigation. VEAC's Final Report was presented to the Minister and released in November 2004. Following the formal Government Response in June 2005 (which accepted nearly all the VEAC recommendations), legislation was passed and the Great Otway National Park launched in December 2005. Much remaining public land became Forest Park.

River Red Gum investigation

An investigation of River Red Gum Forests was initiated by the Minister's request in April 2005. Some 584 submissions were received after publication of the terms of reference. This Investigation is due for completion in February 2008.

Goolengook investigation

The Government advertised proposed terms of reference in November 2002. VEAC received final terms of reference in December 2005, for an investigation to be completed in July 2007. An information booklet was published in June 2006.

VEAC Members

Inaugural VEAC Members Brian Robinson (Chairman), Duncan Malcolm, Eda Ritchie, Sarah Ewing & Dave Mercer were appointed from July 2002 until July 2005. Sadly, Brian Robinson died in April 2004. Duncan Malcolm acted as chair of VEAC until August 2004 when he was formally appointed Chairman.

Eda Ritchie, an original ECC Member from July 1997, remained a member of ECC and subsequently VEAC until July 2005.

Barry Hart was appointed in November 2004 until July 2005. Jan Macpherson was appointed an additional VEAC member in 2004 while Sarah Ewing was on maternity leave, and was later appointed as a member.

VEAC Mark II members – Duncan Malcolm (Chair), Dave Mercer, Barry Hart and Jan Macpherson – were appointed in September 2005 for a term ending September 2008, as was Jill McFarlane, appointed in February 2006.

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- (1977) Stradbroke Special Investigation – Descriptive Report
- (1977) Stradbroke Special Investigation – Proposed Recommendations
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- (1978) Alpine Investigation – Proposed Recommendations
- (1978) Corangamite Investigation – Final Recommendations
- (1978) North Central Investigation – Descriptive Report
- (1978) Preservation of Historic Gold Mining Sites
- (1979) Alpine Investigation – Final Recommendations
- (1979) South Western Area, District 2 Investigation – Descriptive Report
- (1980) Ballarat Investigation – Descriptive Report
- (1980) North Central Investigation – Proposed Recommendations
- (1980) South Gippsland Area, District 2 Investigation – Descriptive Report
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- (1981) Gellions Run Special Investigation – Proposed Recommendations

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- (1982) Gippsland Lakes Hinterland Investigation – Descriptive Report
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- (1982) Melbourne Area, Hill End Special Investigation – Descriptive Report
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- (1985) Wimmera Investigation – Proposed Recommendations
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LAND CONSERVATION ACT 1970
(INCLUDES AMENDMENTS UP TO ACT 73/1996)
No. 8008.

An Act to make Better Provision in relation to the Conservation of Public Land and for other purposes.

[24th November, 1970; came into operation 15 February 1971].

Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say): –

1. (1) This Act may be cited as the *Land Conservation Act 1970*.
- (2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.
2. (1) In this Act unless inconsistent with the context or subject-matter –
"Chairman" means the Chairman of the Land Conservation Council.
"Council" means the Land Conservation Council constituted under this Act.
"Public land" means –
 - (a) land which is not within the municipal district of a metropolitan municipal council specified in the Schedule [*amended by Act No. 73/1996*] and is—
 - (i) unalienated land of the Crown including land permanently or temporarily reserved under section 4 of the *Crown Land (Reserves) Act 1978* and State forest and parks within the meaning of the *National Parks Act 1975*;
 - (ii) vested in any public authority (other than a municipal council or an authority under the *Water Act 1989*, to the extent that the land vested in the Authority is within a sewerage district listed in column 3 of Schedule 12 of the Act) [*amended by Act No. 36/1992*]; or
 - (iii) vested in the Melbourne and Metropolitan Board of Works; and
 - (b) any other land which the Governor in Council declares under sub-section (2) to be public land for the purposes of this Act.

Note: definitions of "public land" in s.2(1)(a) previously excluded land in cities, towns and boroughs, and after Acts Nos.12&13/1989, land in cities and rural cities.

"Reserved forest" and "State forest" have the same meanings as in section 3 of the *Forests Act 1958*.

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- (2) The Governor in Council may on the recommendation of the Minister made after consultation with –
- (a) any Minister of the Crown in whom any land is vested; or
 - (b) the Minister responsible for a public authority in which any land is vested – by proclamation published in the *Government Gazette* declare any such land to be public land for the purposes of this Act.
3. (1) For the purposes of this Act there shall be a Land Conservation Council consisting of –
- (a) a person appointed by the Governor in Council who shall be chairman;
 - (b) the person holding the office of Director, Land Protection under the *Public Sector Management Act 1992* or his nominee;
 - (c) the Director-General of Agriculture and Rural Affairs or his nominee;
 - (d) the person holding the office of Director of Public Land and Forests under the *Public Sector Management Act 1992* or his nominee;
 - (e) the person holding the office of Director of Fisheries in the Department of Conservation and Environment, or his or her nominee [*Section 3(1)(e) previously specified "the Secretary for Lands"*];
 - (f) the Chief Executive Officer of the Office of Water Resources, Department of Conservation and Environment or his or her nominee;
 - (g) the Secretary for Minerals and Energy or his nominee;
 - (h) one person, being a member of a municipal council, other than a metropolitan municipal council specified in the Schedule [*amended by Act No. 73/1996*], appointed by the Governor in Council –
 - (i) from a panel of three names submitted by the Municipal Association of Victoria; or
 - (ii) if such a panel of names is not submitted within two months of receipt of a written request from the Minister – on the recommendation of the Minister;
 - (ha) the Director General of Planning and Urban Growth or his or her nominee;
 - (i) the Director of National Parks and Wildlife or his nominee;
 - (ia) a person who has experience in industry and commerce appointed by the Governor in Council;

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- (j) a person with experience in the conservation techniques used in developing land for primary production appointed by the Governor in Council; and
 - (k) two persons with special knowledge of and experience in some aspect of the conservation of natural resources appointed by the Governor in Council from a panel of five names submitted by the Conservation Council of Victoria within two months of receipt of a request in writing from the Minister or if no panel is submitted on the recommendation of the Minister.
- (2) The chairman of the Council shall be appointed on a full-time basis. *[repealed by Act No. 32/1994]*
 - (3) A member appointed by the Governor in Council shall not be an officer or employé in the public service or in the service of a public authority and shall subject to sub-sections (4) (6) (7) and (8) hold office for the period not exceeding four years for which he is appointed but shall upon the expiration of such period be eligible for re-appointment.
 - (3A) A member appointed under sub-section (1)(h) shall cease to be a member of the Council on ceasing to be a member of a municipal council; and
 - (4) An appointed member shall cease to be a member of the Council if without the consent in writing of the Minister he fails to attend three consecutive meetings of the Council.
 - (5) A person nominated to be a member of the Council may be removed from office at any time by the person nominating him and another person may be nominated in his stead.
 - (6) The Governor in Council may remove any appointed member from his office on an address praying for such removal being presented to the Governor by the Legislative Council and the Legislative Assembly respectively in the same session of Parliament.
 - (7) At any time when Parliament is not sitting the Governor in Council may suspend any appointed member from his office for inability inefficiency or misbehaviour or refusal or neglect or failure to carry out any of the provisions of this Act or of any Act imposing any duty upon him.
 - (8) A full statement of the cause of such suspension shall be laid before both Houses of Parliament within seven days after Parliament next sits; and unless within two months thereafter an address is presented to the Governor by the Legislative Council and the Legislative Assembly respectively praying for the restoration of the member to his office such suspension may be confirmed by the Governor in Council and the office of the member shall on the expiration of the said period of two months become vacant; but if such an address is so presented within the said period of two months such suspension shall thereupon cease and determine and the member shall be restored to office.

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- (9) The Governor in Council may as any vacancy occurs in the office of an appointed member of the Council appoint a qualified person to fill the vacancy for the remainder of the term of office of the member whose office has become vacant.
- (10) In the case of illness or absence of any appointed member of the Council the Governor in Council may appoint a person to act for the member during his illness or absence and every person so appointed shall, while so acting, have all the powers and authority of the member.
- (11) At any meeting of the Council eight members shall form a quorum and during a vacancy in the Council the continuing members may (subject to there being a quorum) act as if there were no vacancy.
- (12) The Governor in Council shall appoint a member of the Council to be deputy chairman.
- (13) If at any meeting of the Council the chairman is not present the deputy chairman shall preside and where the chairman and the deputy chairman are not present the members present may appoint one of their number to be chairman of the meeting.
- (14) The person presiding at any meeting of the Council shall have a deliberative vote and in the event of an equal division of votes at the meeting have in addition a casting vote.
- (15) While dealing with any matter the Council may invite to its meeting any person who by reason of his experience or knowledge in connexion thereto may be of assistance to the Council.
- (16) Subject to this Act the Council may regulate its own proceedings.
- (17) The members of the Council appointed by the Governor in Council –
 - (a) shall be entitled to receive such annual salaries or other remuneration as is fixed from time to time by the Governor in Council;
 - (b) shall be entitled to receive such travelling expenses as are fixed from time to time by the Governor in Council;
 - (c) on a full-time basis shall not except with the consent of the Governor in Council during their continuance in office engage in any employment other than in connexion with the duties of that office;
 - (d) shall not in respect of their office be subject to the provisions of the *Public Service Act 1974*.

S.4(2) of Act No. 41/1990, in relation to ss.3(1)(e), (f), (h), (ha) & (3A) above, provided as follows: The Land Conservation Council as reconstituted after the commencement of this section was the same body as the Land Conservation Council as constituted before that commencement, and no act, matter or thing was abated or affected by the reconstitution.

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4. (1) Subject to the *Public Sector Management Act 1992* there shall be appointed a secretary of the Council and such other officers and employee as are necessary for the purposes of this Act.
- (2) For the purposes of this Act the Minister with the consent of the Minister administering any other Government Department may make use of the services of any officer or employé employed in such other department.
- (3) Notwithstanding anything in the *Public Sector Management Act 1992* the Council may subject to the approval of the Minister enter into contracts for the services of any person with special qualifications on a part-time basis or for a limited period.
- (4) The Chairman shall for the purposes of the *Public Sector Management Act 1992* in relation to the officers and employés appointed or employed for the purposes of this Act and for the purposes of the *Financial Management Act 1994* have all the powers duties and functions of a permanent head of a government department.
5. (1) The Council shall –
- (a) carry out investigations and make recommendations to the Minister with respect to the use of the public land in order to provide for the balanced use of land in Victoria;
- (b) make recommendations to the Governor in Council as to the constitution and definition of water supply catchment areas under the *Soil Conservation and Land Utilization Act 1958 [repealed by Act No. 52/1994]*; and
- (c) advise the Minister administering the *Soil Conservation and Land Utilization Act 1958* concerning policy on the use of land (whether public land or any other land however vested) in any water supply catchment area.
- (2) In making any recommendation the Council shall have regard to the present and future needs of the people of Victoria in relation to –
- (a) the preservation of areas which are ecologically significant;
- (b) the conservation of areas of natural interest beauty or of historical interest;
- (c) the creation and preservation of areas of reserved forest;
- (d) the creation and preservation of areas for national parks;
- (e) the creation and preservation of areas for leisure and recreation, and in particular of areas close to cities and towns for bushland recreation reserves;
- (f) the creation and preservation of reserves for the conservation of fish and wildlife;
- (g) the preservation of species of native plants; and

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- (h) land required by government departments and public authorities in order to carry out their functions.
 - (2A) In making a recommendation as to land use the Council shall have regard to the social and economic implications relevant to the recommendation. *[Inserted by Act No. 41/1990]*
 - (3) Where the Council recommends the alienation of any land the recommendation shall include the Council's opinion as to the best method of alienating the land to ensure the most satisfactory use and management of the land in the public interest.
 - (4) Any person or body may make submissions to the Council as to how any public land can be better used to meet the needs of the people of Victoria and the Council shall consider any such submissions before making any recommendation under paragraph (a) of sub-section (1).
- 6.
- (1) The Council may subject to the approval of the Minister from time to time enter into arrangements with a university corporation or other body or any person with respect to any investigation study or research that in the opinion of the Council is necessary or desirable for the purposes of this Act.
 - (2) The Council with the consent of the Minister may enter into agreements with a Minister of the Crown in right of the State of New South Wales or in right of the State of South Australia or with a public authority constituted under the law of New South Wales or the law of South Australia in relation to investigations to be carried out in areas extending into either of those States.
 - (3) The Council shall confer and co-operate with all government departments and public authorities concerned in the use of public land and it shall be the duty of all government departments and public authorities to give all practicable assistance to the Council in carrying out its functions under this Act.
- 7.
- (1) The Council shall prepare and submit to the Minister proposals as to –
 - (a) the location of the districts and areas proposed to be investigated by the Council pursuant to paragraph (a) of sub-section (1) of section 5;
 - (b) the nature of the investigations proposed; and
 - (c) the order in which the Council proposes to carry out such investigations— for the approval of the Governor in Council.
 - (2) The Governor in Council may approve the proposals with or without modification or alteration.
- 8.
- (1) Where the Governor in Council is of the opinion that an investigation and recommendation of the Council in relation to any particular district or area of Victoria is necessary or expedient

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- he may require the Council to make such investigation and recommendation within such time as is fixed by the Governor in Council.
- (2) The Governor in Council may extend the time fixed under sub-section (1) where in his opinion the investigation could not otherwise be properly carried out.
9. (1) The Council shall not make any recommendation under this Act in relation to any district or area without a prior investigation of the district or area.
- (2) Before commencing any investigation under paragraph (a) of sub-section (1) of section 5 the Council shall publish a notice in the Government Gazette, in a newspaper circulating throughout the State and in a newspaper circulating particularly in or in the vicinity of the area or district to be investigated stating that an investigation of the district or area described in the notice is to be carried out for the purposes of this Act.
- (3) on completing an investigation of a district or area under paragraph (a) of sub-section (1) of section 5 the Council shall –
- (a) publish a report of the investigation;
- (b) give notice in the Government Gazette of the publication of the report, the address where copies of the report may be obtained or inspected and stating that any submissions to the Council in relation to such report will be considered by the Council if they are made within 60 days of such notice; and
- (c) publish notice in a newspaper circulating throughout the State and in a newspaper circulating particularly in or in the vicinity of the area or district investigated of the publication of the report, the address where copies of the report may be obtained or inspected and stating that submissions may be made to the Council and the date before which they should be made.
- (4) The Council shall consider any submissions in relation to such report made by any person or body within 60 days of notice being given under paragraph (b) of sub-section (3).
10. (1) Not earlier than 60 days after notice being given under paragraph (b) of sub-section (3) of section 9, the Council shall send a copy of its proposed recommendation to –
- (a) the Council of any municipality in the municipal district of which any part of the area or district to which the recommendation relates is situated;
- (b) any other public authority or government department that in the opinion of the Council has an interest in the area of the proposed recommendation; and

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- (c) any person or body who made a submission under section 9 – and shall consider any submissions received within 60 days of the sending of such copy to the council, authority, department, person or body or in the case of a public authority or government department within such longer period as may be agreed upon between the Minister and the Minister administering that department or responsible for that authority.
- (2) Where any recommendation is made to the Minister under this Act it shall be accompanied by a copy of any submissions received from any person body department authority or council pursuant to the provisions of sub-section (4) of section 9 or sub-section (1) of this section.
- (3) Where the Council has made a recommendation to the Minister under paragraph (a) of sub-section (1) of section 5 the Minister may, after he has given not less than fourteen days notice of his intention so to do to the Minister administering a government department or responsible for a public authority recommend to the Governor in Council that notice of the recommendation or that part of the recommendation that affects the government department or public authority be given to the government department or public authority concerned and where notice of that recommendation or part is so given by the Governor in Council it shall be the duty of the government department or public authority to use all diligence and dispatch to give effect to such recommendation so far as it affects any land vested in or controlled by it.
11. A copy of every recommendation of the Council made under sub-section (1) of section 5 and of the proposals of the Council submitted to the Minister pursuant to section 7 shall be laid before both Houses of Parliament within fourteen days of the making thereof if Parliament is then sitting and if Parliament is not then sitting within fourteen days after the meeting of Parliament.
12. (1) The Council shall at least once in every year and not later than the 30th day of September in each year make a report to the Minister on the operation of this Act.
- (2) Every such report shall be laid before both Houses of Parliament within fourteen days of the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the meeting of Parliament.

Section 13, which amended the Soil Conservation and Land Utilization Act 1958 to repeal the interpretation of "Land Utilization Advisory Council" (LUAC), and provided for the Land Conservation Council to carry out the LUAC's functions, was repealed by Act No. 9863/1983.

SCHEDULE: METROPOLITAN MUNICIPAL COUNCILS *[Added by Act No. 73/1996]*

•Banyule •Bayside •Boroondara •Brimbank •Casey •Darebin •Frankston •Glen Eira •Greater Dandenong •Hobsons Bay •Hume •Kingston •Knox •Manningham •Maribyrnong •Maroondah •Melbourne •Monash •Moonee Valley •Moreland •Port Phillip •Stonnington •Whitehorse •Whittlesea •Wyndham •Yarra

ENVIRONMENT CONSERVATION COUNCIL ACT 1997

Act No. 41/1997

Reprinted incorporating amendments as at 4 March 1999

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ENVIRONMENT CONSERVATION COUNCIL ACT 1997

Act No. 41/1997

Reprinted incorporating amendments as at 4 March 1999

The Parliament of Victoria enacts as follows:

PART 1 – ESTABLISHMENT OF COUNCIL

1. Purposes

The purposes of this Act are to –

- (a) establish an Environment Conservation Council to conduct investigations into the balanced use or development of public land within the State or any flora, fauna or minerals on above or under that land or water flowing over that land; and
- (b) repeal the Land Conservation Act 1970; and
- (c) make various consequential amendments to other Acts; and
- (d) make other related provisions.

2. Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in sub-section (2) has not come into operation before 1 February 1998, it comes into operation on that date.

3. Definitions

In this Act –

"**additional member**" means a person appointed under section 5(2);

"**Council**" means the Environment Conservation Council established under this Act;

"**member**" means a person appointed under section 5(1) and includes the chairperson of the Council.

"public land" means

- (a) any unalienated land of the Crown, including, land temporarily or permanently reserved under the *Crown Land (Reserves) Act 1978*;
- (b) state forest within the meaning of the *Forests Act 1958*;
- (c) park, within the meaning of the *National Parks Act 1975*;
- (d) land under the management and control of Melbourne Parks and Waterways, established under the *Water Industry Act 1994*;
- (e) land vested in any public authority, other than –
 - (i) a municipal council; or
 - (ii) an Authority under the *Water Act 1989*, to the extent that the land vested in the Authority is within a sewerage district listed in column 3 of Schedule 12 of the Act.

4. Establishment of Council

There is established a Council to be called the "Environment Conservation Council".

5. Constitution and membership of the Council

- (1) The Council consists of 3 members appointed by the Governor in Council on the recommendation of the Minister.
- (2) For the purposes of an investigation which has been referred to the Council, the Governor in Council, on the recommendation of the Minister, may appoint a person or persons to be members of the Council.
- (3) The persons appointed to the Council are to be persons who, in the opinion of the Minister, have the experience and knowledge necessary to enable the Council to carry out its functions.

6. Functions

The functions of the Council are to—

- (a) carry out those investigations that are requested by the Minister into the balanced use or development of public land or any flora, fauna or minerals on above or under that land or water flowing over that land; and
- (b) carry out any other functions conferred on the Council by this or any other Act.

7. Powers

The Council may do anything necessary or convenient to enable it to carry out its functions.

8. Terms of appointment

- (1) A member of the Council holds office for the period, not exceeding 3 years, specified in the instrument of his or her appointment.
- (2) An additional member holds office for the period of the investigation for which that member is appointed.
- (3) A member of the Council is eligible for re-appointment.
- (4) The instrument of appointment of a member and an additional member may specify terms and conditions of appointment.
- (5) The *Public Sector Management and Employment Act 1998* (except in accordance with Part 7 of that Act) does not apply to a member or an additional member in respect of the office of member or additional member.

9. Chairperson

The Governor in Council must appoint one of the members to be the chairperson of the Council.

10. Fees and allowances

Members and additional members who are not officers or employees of the public service are entitled to receive the fees, travelling and other allowances from time to time fixed by the Governor in Council for those members and additional members.

11. Resignation and removal

- (1) Members and additional members may resign by writing signed by the person resigning and addressed to the Governor in Council.
- (2) The Governor in Council may at any time remove a member or an additional member from office.

12. Vacancies

If a member of the Council dies, resigns or is removed from office, the Governor in Council, in accordance with this Act, may fill the vacant office.

13. Meeting procedure

- (1) The chairperson is to preside at any meeting of the Council at which he or she is present.

- (2) If the chairperson is absent from a meeting of the Council, the members present at the meeting must elect one of those present to preside at the meeting.
- (3) Subject to sub-section (2), meetings of the Council are to be held at such times and places as the chairperson determines.
- (4) The chairperson may at any time convene a meeting, but must do so when requested by a member.
- (5) A majority of the members for the time being constitutes a quorum of the Council.
- (6) A question arising at a meeting must be determined by a majority of votes of members present and voting on that question and, if the voting is equal, the person presiding has a casting vote as well as a deliberative vote.
- (7) The person presiding must ensure that minutes are kept of each of its meetings.
- (8) Subject to this section, the Council may regulate its own proceedings.

14. Validity of decisions

- (1) An act or decision of the Council is not invalid merely because of –
 - (a) a defect or irregularity in, or in connection with, the appointment of a member, or
 - (b) a vacancy in the membership of the Council, including a vacancy arising from the failure to appoint an original member.
- (2) Anything done by or in relation to a person purporting to act as chairperson or as a member is not invalid merely because –
 - (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in relation to the appointment; or
 - (c) the appointment had ceased to have effect.

15. Committees of the Council

- (1) For the purposes of this Act, the Council may appoint any committees that it considers necessary and may abolish any such committee.
- (2) The membership of a committee is not restricted to the membership of the Council.
- (3) The Council may determine the procedure of each committee.

16. Report on operations

- (1) The Council must submit a report on its operation to the Minister on or before 31 October in each year.
- (2) A report under sub-section (1) must include a report on each investigation completed, commenced or carried out during the year and a statement of the resources used in carrying out each investigation.
- (3) The Minister must cause a copy of the report to be laid before each House of Parliament, within 7 sitting days after the report has been submitted to the Minister.

PART 2 – INVESTIGATIONS**17. Minister to require investigation**

- (1) The Minister may require the Council to carry out an investigation into the balanced use or development of public land or any flora, fauna or minerals on, above or under that land or water flowing over that land.
- (2) A request must be in writing and must specify the time within which the Council is to report on the request.
- (3) The Minister may, at any time during the course of an investigation –
 - (a) direct the Council on any matters it is to take into consideration;
 - (b) withdraw or amend a request.

18. Requests, amendments and withdrawals to be laid before Parliament

- (1) The Minister must cause a copy of a request –
 - (a) to be laid before each House of Parliament, within 14 sitting days after the request is made; and
 - (b) to be published in the Government Gazette, within 14 days after the request is made.
- (2) The Minister must cause a copy of an amendment or withdrawal of a request –
 - (a) to be laid before each House of Parliament, within 14 sitting days after the amendment or withdrawal is made; and
 - (b) to be published in the Government Gazette, within 14 days after the amendment or withdrawal is made.

APPENDIX B

19. Department Head to approve resources for investigation

- (1) The Council must, within 30 days after receiving a request from the Minister, submit a plan for the investigation to the Department Head of the Department of Natural Resources and Environment.
- (2) A plan must include an estimate of the resources needed to carry out the investigation.
- (3) The Department Head of the Department of Natural Resources and Environment must consult with the Council over the estimate of the resources and must make available those resources which the Department Head and Council agree are required to effectively carry out the investigation.

20. Matters to be taken into account in investigations

In carrying out an investigation under this Act the Council must have regard to –

- (a) the ability of any existing or proposed development or use of the land or resources to be ecologically sustainable and economically viable;
- (b) the economic and social value of any existing or proposed development or use of the land or resources;
- (c) the existence of and the need to conserve and protect any areas of ecological, historical, cultural or recreational value or areas of landscape significance on the land;
- (d) the need for the creation and preservation of a comprehensive, adequate and representative system of parks and reserves within the State;
- (e) any international obligations entered into by the Commonwealth and any national agreements entered into with or obligations undertaken in conjunction with the Commonwealth and the other States and Territories which relate to the subject matter of the investigation;
- (f) the need to protect and conserve biodiversity.

21. Notice

- (1) The Council must cause notice of an investigation to be published in a newspaper circulating generally throughout the State.
- (2) If, at any time during the course of an investigation, the Council proposes to hear further submissions on the investigation, the Council must cause notice that it is to hear further submissions on the investigation to be published in a newspaper circulating generally throughout the State.

- (3) A notice under sub-section (1) or (2) –
 - (a) must include a statement of the subject of the investigation; and
 - (b) set out an address where a copy of the Minister's request may be obtained; and
 - (c) must state the fact that submissions may be made; and
 - (d) set out the time within which submissions must be made and form and the manner in which they may be made.

22. Submissions

- (1) Any persons may make submissions on an investigation to the Council.
- (2) A submission must be made –
 - (a) within 60 days of the publication of a notice under section 21; or
 - (b) if another time is specified in the notice, the time specified in the notice; or
 - (c) in the case of a submission made by a person or class of persons for which the Council allows an extension of time, within the time allowed by the Council.
- (3) A submission must be made in the form and manner specified in the notice.

23. Report on the investigation

- (1) The Council must present a written report on the outcome of its investigation to the Minister on or before the date specified as the date on which the report is to be made.
- (2) The report must specify all the proposals made in submissions to the Council and the reasons for which the Council had accepted, rejected or he modified those proposals.
- (3) The Minister must cause a copy of the report to be laid before each House of Parliament, within 7 sitting days after the report has been presented to the Minister.

24. Extension of time

- (1) The Council may request an extension of time to complete an investigation.
- (2) A request must be in writing addressed to the Minister.
- (3) The Minister may either grant or refuse the Council's request.
- (4) The Minister must advise the Council in writing of his or her decision under sub-section (3) and, if the request is granted, must specify a new time within which the Council is to report on the request.

PART 3 – SAVINGS AND TRANSITIONAL

25. Repeal of Land Conservation Act 1970

The *Land Conservation Act 1970* is repealed.

26. Saving of recommendations

- (1) The repeal of the *Land Conservation Act 1970* does not affect the continuing operation of –
 - (a) any recommendation made under Act (whether or not notice has been given of that recommendation under section 10(3) of that Act); and
 - (b) any act matter or thing done to give effect to such a recommendation.
- (2) Any recommendation to which sub-section (1) applies may be amended or revoked by the Governor in Council on the recommendation of the Minister.

27. Amendment of Land Conservation (Vehicle Control) Act 1972

In section 2 of the *Land Conservation (Vehicle Control) Act 1972* for "*Land Conservation Act 1970*" substitute "*Environment Conservation Council Act 1997*".

28. Amendment of Flora and Fauna Guarantee Act 1988

In section 37 of the *Flora and Fauna Guarantee Act 1988*, paragraph (e) is repealed.

29. Amendment of Reference Areas Act 1978

In section 2 of the *Reference Areas Act 1978*, after "*Land Conservation Act 1970*" insert "as in force immediately before its repeal".

NOTES

1. General Information

Minister's second reading speech –

Legislative Assembly: 1 May 1997

Legislative Council: 27 May 1997

The long title for the Bill for this Act was "to establish an Environment Conservation Council, to make consequential amendments to other Acts and for other purposes."

The *Environment Conservation Council Act 1997* was assented to on 11 June 1997 and came into operation as follows:

Sections 1 and 2 on 11 June 1997: section 2(1); rest of Act on 1 July 1997: Special Gazette (No. 75) 1 July 1997 page 1.

2. *Table of Amendments*

This reprint incorporates amendments made to the *Environment Conservation Council Act 1997* by Acts and subordinate instruments as required by section 21A of the *Interpretation of Legislation Act 1984*.

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98

Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)

Current State: This information relates only to the provision/s amending the *Environment Conservation Council Act 1997*

Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998, No. 76/1998

Assent Date: 10. 11.98

Commencement Date: S: 21 on 15.12.98: s. 2(5)

Current State: This information relates only to the provision/s amending the *Environment Conservation Council Act 1997*

2. *Explanatory Details*

No entries at date of publication.

Appendix: Unproclaimed Provisions –

Environment Conservation Council Act 1997

At the date of this reprint, the following provisions amending the *Environment Conservation Council Act 1997* were not in operation:

There are no amendments which were not in operation at the date of this reprint.

APPENDIX C

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACT 2001

Act No. 81/2001

TABLE OF PROVISIONS

Section

PART 1 – PRELIMINARY

1. Purpose and outline of Act
2. Commencement
3. Definitions

PART 2 – VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL

4. Establishment of Council
5. Objectives of Council
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7. Powers
8. Constitution and membership of the Council
9. Terms and conditions of office of members
10. Proceedings of the Council
11. Validity of decisions
12. Committees of the Council
13. Community Reference Groups
14. Report on operations

Section

PART 3 – INVESTIGATIONS

15. Minister to request investigation
16. Requests, amendments and withdrawals to be laid before the Parliament
17. Minister to approve resources for investigation
18. Matters to be taken into account in investigations and recommendations
19. Role of Departments and public authorities
20. Notice of investigation
21. Notice of preparation of discussion paper and draft proposals
22. Submissions
23. Report on the investigation
24. Extension of time
25. Government response
26. Implementation

PART 4 – MISCELLANEOUS AND TRANSITIONAL

27. Repeal of Environment Conservation Council Act 1997
28. Saving of recommendations
29. Amendment of Land Conservation (Vehicle Control) Act 1972

END NOTES

VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACT 2001

No. 81 of 2001

[Assented to 4 December 2001]

The Parliament of Victoria enacts as follows:

PART 1 – PRELIMINARY

1. Purpose and outline of Act

- (1) The purpose of this Act is to establish the Victorian Environmental Assessment Council to conduct investigations and make recommendations relating to the protection and ecologically sustainable management of the environment and natural resources of public land.
- (2) In outline this Act –
 - establishes the Victorian Environmental Assessment Council with 5 members appointed by the Governor in Council; enables the appointment of additional members of the Council for particular investigations;
 - provides for the Council to establish Committees and Community Reference Groups;
 - requires the Council to report on its operations;
 - sets out the process for requesting investigations to be carried out by the Council;
 - sets out the considerations the Council is to have regard to in investigations and recommendations;
 - sets out the process for public submissions;
 - requires reports on investigations to be tabled in Parliament and made publicly available;
 - requires a statement of the response of the Government to recommendations to be tabled in Parliament and made publicly available;
 - requires the Government to implement recommendations to the extent that they are accepted by the Government;
 - repeals the *Environment Conservation Council Act 1997*.
- (3) Sub-section (2) is intended only as a guide to readers as to the general scheme and effect of this Act.

2. Commencement

- (1) Section 1 and this section come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in sub-section (2) does not come into operation before 31 December 2001, it comes into operation on that day.

3. Definitions

In this Act –

"additional member" means a person appointed under section 8(4);

"Council" means the Victorian Environmental Assessment Council established under this Act;

"investigation" means an investigation requested by the Minister under section 15;

"member" means a person appointed under section 8(1) and includes the Chairperson of the Council;

"public land" means –

- (a) any unalienated land of the Crown, including land temporarily or permanently reserved under the *Crown Land (Reserves) Act 1978*;
- (b) State forest within the meaning of the *Forests Act 1958*;
- (c) park, within the meaning of the *National Parks Act 1978*;
- (d) land under the ownership or control of Melbourne Parks and Waterways, established under the *Water Industry Act 1994*;
- (e) land vested in any public authority, other than –
 - (i) a municipal council; or
 - (ii) an Authority under the *Water Act 1989*, to the extent that the land vested in the Authority is within a sewerage district listed in column 3 of Schedule 12 of that Act.

"request" means a request for an investigation.

PART 2 – VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL

4. Establishment of Council

There is established a Council to be called the "Victorian Environmental Assessment Council".

5. Objectives of Council

The objectives of the Council are to –

- (a) provide independent and strategic advice to the Government of Victoria on matters relating to the protection and ecologically sustainable management of the environment and natural resources of public land; and
- (b) ensure that it performs its functions in a manner that facilitates the objectives of this Act.

6. Functions

The functions of the Council are to –

- (a) carry out investigations that are requested by the Minister on matters relating to the protection and ecologically sustainable management of the environment and natural resources of public land; and
- (b) carry out any other functions that are conferred on the Council by this or any other Act.

7. Powers

- (1) Subject to this Act, the Council may do anything reasonably necessary or convenient to enable it to carry out its functions.
- (2) Without limiting its other powers, the Council may –
 - (a) appoint committees in accordance with section 12; and
 - (b) with the consent of the Minister administering the relevant Department, make use of the services of any person employed in the Department.

8. Constitution and membership of the Council

- (1) The Council consists of 5 members appointed by the Governor in Council on the recommendation of the Minister.

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- (2) In making a recommendation under sub-section (1), the Minister must have regard to the need for the Council to collectively have experience, skills and knowledge in the following areas –
 - (a) environment protection and conservation;
 - (b) natural resources management;
 - (c) tourism and recreation;
 - (d) economics and business management;
 - (e) rural and regional affairs;
 - (f) issues relating to indigenous peoples;
 - (g) local government;
 - (h) social and community affairs;
 - (i) community consultation and participation.
 - (3) The Governor in Council must, on the recommendation of the Minister, appoint one of the members to be the Chairperson of the Council.
 - (4) For the purposes of a particular investigation, the Governor in Council, on the recommendation of the Minister, may appoint one or more additional members of the Council.
 - (5) In making a recommendation under sub-section (4), the Minister must have regard to the need for the Council to have experience, skills and knowledge in the areas most directly related to the particular investigation.
 - (6) Before an appointment can be made under this section, the Minister must publish notice of the vacancy in newspapers circulating generally throughout Victoria.

9. Terms and conditions of office of members

- (1) Subject to this section, a member holds office for a term not exceeding 3 years as is specified in the instrument of appointment.
- (2) A member is eligible for re-appointment.
- (3) An additional member holds office for the period of the investigation for which that member is appointed.
- (4) The instrument of appointment of a member may specify terms and conditions of appointment not inconsistent with this Act.

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- (5) A member is not subject to the Public Sector Management and Employment Act 1998 in respect of the office of member.
- (6) A member who is not an employee in the public service is entitled to the remuneration and allowances (if any) fixed by the Minister.
- (7) If a member is ill or absent, the Governor in Council, on the recommendation of the Minister, may appoint a person to act in the office of that member during the period of illness or absence.
- (8) A member may resign in writing addressed to the Governor in Council.
- (9) The office of a member becomes vacant if the member retires, resigns or dies.
- (10) The Governor in Council, on the recommendation of the Minister, may remove a member from office if the member has –
 - (a) refused, neglected or failed to carry out his or her duties; or
 - (b) demonstrated inefficiency or misbehaviour in carrying out his or her duties.
- (11) If a member is removed from office under subsection (10), the Minister must cause to be laid before each House of the Parliament a full statement of the grounds of the removal within 7 sitting days of that House after the removal.
- (12) If there is a vacancy in the office of a member under sub-section (9) or (10), the vacancy must be filled in accordance with section 8.
- (13) In sub-sections (4) to (12) a reference to a member includes a reference to an additional member.

10. Proceedings of the Council

- (1) The Chairperson is to preside at any meeting of the Council at which he or she is present.
- (2) If the Chairperson is absent from a meeting of the Council, the members present at the meeting must elect one of those present to preside at the meeting.
- (3) Subject to sub-section (2), meetings of the Council are to be held at such times and places as the Chairperson determines.
- (4) The Chairperson may at any time convene a meeting, but must do so when requested by a member.
- (5) A majority of the members and additional members for the time being constitutes a quorum of the Council.
- (6) A question arising at a meeting must be determined by a majority of votes of members and additional members present and voting on that question.

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- (7) If the voting is equal, subject to sub-section (9), the person presiding has a casting vote as well as a deliberative vote.
 - (8) An additional member is eligible to vote only in respect of a question directly relating to the investigation in respect of which he or she is appointed.
 - (9) If the person presiding is an additional member, he or she does not have a casting vote or a deliberative vote in respect of any question not directly relating to the investigation in respect of which he or she is appointed.
 - (10) The person presiding at a meeting must ensure that minutes of the meeting are kept.
 - (11) Subject to this section, the Council may regulate its own proceedings.

11. Validity of decisions

- (1) An act or decision of the Council is not invalid merely because of –
 - (a) a defect or irregularity in, or in connection with, the appointment of a member; or
 - (b) a vacancy in the membership of the Council, including a vacancy arising from the failure to appoint an original member.
- (2) Anything done by or in relation to a person purporting to act as Chairperson or as a member is not invalid merely because –
 - (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in relation to the appointment; or
 - (c) the appointment had ceased to have effect.

12. Committees of the Council

- (1) For the purposes of this Act, the Council may appoint any committees that it considers necessary and may abolish any such committee.
- (2) The membership of a committee is not restricted to the membership of the Council.
- (3) The Council may determine the procedure of each committee.

13. Community Reference Groups

- (1) The Council must establish a Community Reference Group in respect of each investigation for the purpose of providing advice to the Council.

- (2) The members of a Community Reference Group should include representatives who have an interest relevant to the investigation, including, but not limited to, representatives from the following –
 - (a) environment protection and conservation groups;
 - (b) industry;
 - (c) farmers;
 - (d) unions and employees;
 - (e) tourism industry;
 - (f) lease holders of relevant public land;
 - (g) licence holders of relevant public land;
 - (h) recreational users of relevant public land;
 - (i) indigenous peoples;
 - (j) local government;
 - (k) other community interests.
- (3) The Council may determine the procedure of each Community Reference Group.

14. Report on operations

- (1) The Council must submit a report on its operation to the Minister on or before 31 October in each year.
- (2) A report under sub-section (1) must include –
 - (a) a report on each investigation completed, commenced or conducted during the preceding financial year;
 - (b) a statement of the resources used in carrying out each investigation.
- (3) The Minister must cause a copy of the report to be laid before each House of the Parliament within 7 sitting days of that House after the report has been submitted to the Minister.

PART 3 – INVESTIGATIONS

15. Minister to request investigation

- (1) The Minister may request the Council to carry out an investigation for the purposes of this Act.
- (2) The Minister may make a request to the Council under sub-section (1) after the Minister has –
 - (a) caused a notice of the investigation to be published in newspapers circulating generally throughout Victoria which specifies the proposed terms of reference for the investigation;
 - (b) complied with sub-section (3).
- (3) The Minister must allow 28 days for the notification period under sub-section (2).
- (4) A request –
 - (a) must be in writing;
 - (b) must specify the time within which the Council is to report on the completed investigation;
 - (c) must specify that the Council is to prepare a discussion paper and a draft proposals paper, unless sub-section (5) applies;
 - (d) may give the Council directions as to the number of public submission periods to be held and the length of time to be allowed for public submissions.
- (5) Despite sub-section (4)(c), the Minister may in respect of a particular investigation specify in the request any or all of the following –
 - (a) that a discussion paper is not to be prepared;
 - (b) that a draft proposals paper is not to be prepared;
 - (c) that one or more other stages or processes as identified in the request are to be undertaken during the investigation.
- (6) The Minister may, at any time during the course of an investigation –
 - (a) direct the Council on any matters it is to take into consideration;
 - (b) amend or withdraw the request.

16. Requests, amendments and withdrawals to be laid before the Parliament

- (1) The Minister must cause a copy of a request, amendment or withdrawal –
 - (a) to be laid before each House of the Parliament, within 7 sitting days of that House;

- (b) to be published in the Government Gazette, within 7 days;
 - (c) to be published on the internet, within 7 days – after the request, amendment or withdrawal is made.
- (2) Within 7 sitting days of each House of the Parliament after the period specified in section 15(3), the Minister must cause to be laid before each House of the Parliament a statement specifying how any comments received on the proposed terms of reference have been dealt with.

17. Minister to approve resources for investigation

- (1) The Council must, within the specified period after receiving a request from the Minister, submit a business plan and budget for the investigation to the Minister.
- (2) In sub-section (1), "specified period" means –
 - (a) 30 days; or
 - (b) any longer period specified in writing by the Minister.
- (3) A plan must include an estimate of the financial and other resources needed to carry out the investigation.
- (4) The Minister must –
 - (a) consult with the Council over the estimate of the resources;
 - (b) ensure that the Department Head of the Department of Natural Resources and Environment makes available those resources which the Minister considers are required to effectively carry out the investigation.

18. Matters to be taken into account in investigations and recommendations

The Council must have regard to the following considerations in carrying out an investigation and in making recommendations to the Minister –

- (a) the principles of ecologically sustainable development;
- (b) the need to conserve and protect biological diversity;
- (c) the need to conserve and protect any areas which have ecological, natural, landscape or cultural interest or significance, recreational value or geological or geomorphological significance;

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- (d) the need to provide for the creation and preservation of a comprehensive, adequate and representative system of parks and reserves within the State of Victoria;
 - (e) the existence of any international treaty ratified by the Commonwealth of Australia which is relevant to the investigation;
 - (f) any agreement at a national, inter-state or local government level into which the Government of Victoria has entered, or under which the Government of Victoria has undertaken any obligation in conjunction with the Commonwealth, a State, Territory or municipal council, which relates to the subject matter of the investigation;
 - (g) the potential environmental, social and economic consequences of implementing the proposed recommendations;
 - (h) any existing or proposed use of the environment or natural resources.

19. Role of Departments and public authorities

- (1) The Council must confer with any Department or public authority which may be affected by the conduct or results of an investigation.
- (2) Departments and public authorities must give practicable assistance to the Council in carrying out an investigation.

20. Notice of investigation

- (1) The Council must cause notice of an investigation to be published.
- (2) If, at any time during the course of an investigation, the Council proposes to receive further submissions on the investigation, the Council must cause notice that it is to receive further submissions on the investigation to be published.
- (3) A notice under sub-section (1) or (2) must –
 - (a) be published –
 - (i) in a newspaper circulating generally throughout the State; and
 - (ii) on the internet;
 - (b) include a statement of the subject of the investigation;
 - (c) specify an address and the address of the internet site where a copy of the Minister's request may be obtained;

- (d) state that submissions may be made;
 - (e) specify –
 - (i) the period of time; and
 - (ii) the form and the manner –in which submissions can be made.
- (4) If an investigation is likely to affect the existing rights in the relevant public land of any lease holder, licence holder or recreational user, the Council must –
- (a) make reasonable efforts to advise those persons and peak bodies representing those persons; and
 - (b) where practicable, cause notices to be placed on Department of Natural Resources and Environment notice boards in and around the relevant public land.

21. Notice of preparation of discussion paper and draft proposals paper

- (1) After the Council has prepared a discussion paper on an investigation, the Council must cause notice of the preparation of the discussion paper to be published.
- (2) After the Council has prepared a draft proposals paper on an investigation, the Council must cause notice of the preparation of the draft proposals paper to be published.
- (3) A notice under sub-section (1) or (2) must –
 - (a) be published –
 - (i) in a newspaper circulating generally throughout the State; and
 - (ii) on the internet;
 - (b) include a statement of the subject of the investigation;
 - (c) specify an address and the address of the internet site where a copy of the paper may be obtained;
 - (d) state that submissions may be made;
 - (e) specify –
 - (i) the period of time; and
 - (ii) the form and the manner –in which submissions can be made.

22. Submissions

- (1) Any person or body is entitled to make a submission to the Council on—
 - (a) an investigation;
 - (b) a discussion paper;
 - (c) a draft proposals paper.
- (2) A submission must be made within the specified time of the publication of a notice under section 20 or 21.
- (3) Despite anything to the contrary in section 20 or section 21 or this section, the Council may allow an extension of the specified time for a particular submission or class of submissions.
- (4) In this section, "specified time" means the period of time specified in the notice under section 20 or 21 being —
 - (a) the time, if any, specified by the Minister in the request; or
 - (b) if the Minister did not specify a time, within 60 days or a longer period determined by the Council.

23. Report on the investigation

- (1) The Council must submit a written report on the results of its investigation to the Minister within the time specified by the Minister in the request.
- (2) The report must specify —
 - (a) any recommendations resulting from the investigation;
 - (b) a detailed rationale for each of the recommendations;
 - (c) the main proposals made in submissions to the Council and the reasons why the Council accepted, rejected or modified those proposals.
- (3) The report must be accompanied by a copy of each submission received in relation to the investigation.
- (4) The Council must provide the Minister with copies of the report to be made publicly available.
- (5) The Minister must cause a copy of the report —
 - (a) to be laid before each House of the Parliament, within 7 sitting days of that House;
 - (b) to be available for public perusal, within 7 days;

- (c) to be published on the internet, within 7 days – after the report has been presented to the Minister.

24. Extension of time

- (1) The Council may apply for an extension of time to complete an investigation.
- (2) An application must –
 - (a) be made not later than 30 days before the date on which the Council is required to submit the report;
 - (b) be in writing addressed to the Minister;
 - (c) explain the reasons why an extension of time is necessary.
- (3) The Minister must either grant or refuse the application.
- (4) The Minister must –
 - (a) advise the Council in writing of his or her decision; and
 - (b) if the application is granted, must specify a new time within which the Council is to report on the investigation.

25. Government response

- (1) The Minister must, not later than the first sitting day after the period of 6 months since the sitting day on which the report of the Council was laid before each House of the Parliament, cause a statement of the response of the Government to the report to be laid before each House specifying the action (if any) proposed to be taken by the Government with respect to each recommendation of the Council.
- (2) Within 7 days after the statement of the response of the Government has been laid before each House of the Parliament, the Minister must ensure that a copy of the statement is published –
 - (a) in the Government Gazette;
 - (b) on the internet.

26. Implementation

If the statement of the response of the Government specifies that the Government wholly or partly accepts a recommendation of the Council, the Government must ensure that appropriate actions are taken to implement the recommendation to the extent that it has been accepted.

PART 4 – MISCELLANEOUS AND TRANSITIONAL

27. *Repeal of Environment Conservation Council Act 1997*

The *Environment Conservation Council Act 1997* is repealed.

28. *Saving of recommendations*

- (1) The repeal of the *Environment Conservation Council Act 1997* does not affect the continuing operation of –
 - (a) any recommendation made under the *Environment Conservation Council Act 1997*;
 - (b) any act, matter or thing done to give effect to a recommendation referred to in paragraph (a);
 - (c) any recommendation made under the *Land Conservation Act 1970* (whether or not notice had been given of that recommendation under section 10(3) of that Act); and
 - (d) any act, matter or thing done to give effect to a recommendation referred to in paragraph (c).
- (2) Any recommendation to which sub-section (1)(c) applies may be amended or revoked by the Governor in Council on the recommendation of the Minister.
- (3) Any recommendation to which sub-section (1)(a) applies is deemed to be a recommendation of the Council and this Act applies accordingly.

29. *Amendment of Land Conservation (Vehicle Control) Act 1972*

For section 2 of the *Land Conservation (Vehicle Control) Act 1972* substitute –

2. Definition

In this Act –

"public land" means –

- (a) any unalienated land of the Crown, including land temporarily or permanently reserved under the *Crown Land (Reserves) Act 1978*;
- (b) State forest within the meaning of the *Forests Act 1958*;

APPENDIX C

- (c) park, within the meaning of the *National Parks Act 1975*;
- (d) land under the ownership or control of Melbourne Parks and Waterways, established under the *Water Industry Act 1994*;
- (e) land vested in any public authority, other than –
 - (i) a municipal council; or
 - (ii) an Authority under the *Water Act 1989*, to the extent that the land vested in the Authority is within a sewerage district listed in column 3 of Schedule 12 of that Act.’.

ENDNOTES

Minister’s second reading speech –

Legislative Assembly: 2 November 2000

Legislative Council: 20 March 2001

The long title for the Bill for this Act was "to establish the Victorian Environmental Assessment Council, to repeal the *Environment Conservation Council Act 1997* and for other purposes."

APPENDIX D1: Land Conservation Council Membership (At 30 June each year)

	1971	1972	1973	1974	1975
Chair	Dimmick	Dimmick	Dimmick	Dimmick	Dimmick
SCA	Downes (D)	Downes (D)	Mitchell (D)	Mitchell (D)	Mitchell (D)
Lands	Holt	Holt	Middleton	Middleton	Middleton
Forests	Moulds	Moulds	Moulds	Moulds	Moulds
F&W	Butcher	Butcher	Butcher	Wharton	Wharton
NP	Smith	Smith	Smith	Smith	Brookes
Water	Tisdall	Tisdall	Tisdall	Tisdall	Tisdall
Mines	Condon	Condon	Condon	Condon	Condon
Agric	Wishart	Wishart	Wishart	Wishart	Wishart
CCV	Turner	Turner	Turner	Turner	Turner
CCV	Landy	Landy	Landy	Landy	Landy
Prim Prod	Austin	Austin	Austin	Austin	Austin
	1976	1977	1978	1979	1980
Chair	Dimmick	Dimmick	Dimmick	Dimmick	Dimmick
SCA	Mitchell (D)	Mitchell (D)	Mitchell (D)	Mitchell (D)	Mitchell (D)
Lands	Middleton	Middleton	Middleton	Middleton	Middleton
Forests	Moulds	Moulds	Threader	Threader	Threader
F&W	Wharton	Wharton	Wharton	Wharton	Wharton
NP	Brookes	Brookes	Brookes	Saunders	Saunders
Water	Tisdall	Tisdall	Rogerson	Rogerson	Rogerson
Mines	Whiting	Whiting	Court	Court	Court
Agric	Wishart	Wishart	Wishart	Wishart	Smith
CCV	Turner	Turner	Turner	Holsworth	Holsworth
CCV	Landy	Landy	Landy	Lindros	Lindros
Prim Prod	Austin	Austin	Austin	Austin	Austin
	1981	1982	1983	1984	1985
Chair	Dimmick	Dimmick	Dimmick	Dimmick	Scott
SCA	Mitchell (D)	Mitchell (D)	Mitchell (D)	Mitchell (D)(CFL)	Campbell (D)
Lands	Ashworth	Ashworth	Pilbeam	Eddison (CFL)	Eddison
Forests	Threader	Threader	Grose	Grose (CFL)	Newman
F&W	Swartz	Swartz	Swartz	Newman (CFL)	Chamley
NP	Saunders	Saunders	Saunders	Saunders (CFL)	Saunders
Water	Rogerson	Rogerson	Rogerson	Rogerson	Rogerson
Mines	Court	Spencer-Jones	Spencer-Jones	Spencer-Jones	Spencer-Jones
Agric	Smith	Smith	Taylor	Taylor	Mullaly
CCV	Lindros	Lindros	Calder	Calder	Lindros
CCV	Holsworth	Holsworth	Carroll	Carroll	Carroll
Prim Prod	Austin	Austin	Austin	Austin	Austin
Ind & Comm		Gunnensen	Gunnensen	Gunnensen	Gunnensen

APPENDIX D I

	1986	1987	1988	1989	1990
Chair	Scott	Scott	Scott	Scott	Scott
SCA	Campbell (D)	Campbell (D)	Campbell (D)	Campbell (D)	Campbell (D)(DCE)
Lands	Eddison	Griffin	Foster	Foster	
Forests	Smith	Smith	Smith	Smith	Smith (DCE)
F&W	Newman	Newman	Chamley	Chamley	Chamley (DCE)
NP	Saunders	Saunders	Saunders	Saunders	Saunders (DCE)
Water	Paterson (WR)	Paterson	Paterson	Paterson	Johnstone (DCE)
Mines	Spencer-Jones	Bowen	Bowen	Bowen	Gregson
Agric	Wright	Patton	Patton	Patton	Wright
Plan & Urban					Mellors
CCV	Calder	Calder	Calder	Calder	Calder
CCV	Carroll	Macmillan	Blakers	Macmillan	Hingston
Prim Prod	Austin	Teese	Teese	Teese	Teese
Ind & Comm	Gunnensen	Malcolmson	Malcolmson	Malcolmson	Malcolmson
	1991	1992	1993	1994	1995
Chair	Scott	Scott	Scott	Scott	Saunders
Lands	Campbell (D)	Harris	Lievers (CNR)	Leivers	Leivers
Forests	Wareing	Rawson	Rawson (CNR)	Rawson	Rawson
Fisheries	Chamley	Sheehan	Sheehan (CNR)	Sheehan	Sheehan
NP	Saunders	Saunders (D)	Saunders (D) (CNR)	Saunders	Stone
Water	Langford (DCE)	Downie (CNR)	Thompson (CNR)	Thompson	Thompson
Mines	Gregson (DMID)	Gregson	Gregson (DEM)	Dowd	Dowd
Agric	Kinsella	Sutherland	Sutherland	Sutherland	Sutherland
Plan & Urban	Jerome	Saunders	Nicholls	Nicholls	Nicholls (D)
CCV	Calder	Calder	Calder	Calder (D)	Harris
CCV	Hingston	Hingston	Hingston	Robinson	Mitchell
Primary prod	Teese	Teese	Teese	Teese	Robinson
Ind & Comm	Malcolmson	Malcolmson	Malcolmson	Malcolmson	Malcolmson
Local Govt	Ferguson	Murrell	Murrell	Price	Murrell
	1996	1997	continued	1996	1997
Chair	Saunders	Saunders	CCV	Harris	Harris
Lands	Taylor (NRE)	Healey	CCV	Mitchell	Mitchell
Forests	Rawson (NRE)	Rawson	Primary prod	Robinson	Robinson
Fisheries	Dunn (NRE)	Johnstone	Ind & Comm	Malcolmson	Malcolmson
NP	Stone (NRE)	Stone	Local Govt	Murrell	Murrell
Water	Stringer (NRE)	Heeps			
Mines	Lea (NRE)	Lea			
Agric	Sutherland (NRE)	Sutherland			

Key to abbreviations:

SCA	Soil Conservation Authority (amalgamated into CFL)
Lands	Department of Crown Lands and Survey (amalgamated into CFL)
Forests	Forests Commission Victoria (amalgamated into CFL)
F&W	Fisheries and Wildlife (amalgamated into CFL)
NP	National Parks Service (amalgamated into CFL)
Water	State Rivers and Water Supply Commission (amalgamated into DCE)
Mines	Department of Mines (amalgamated into NRE)
Agric	Department of Agriculture (amalgamated into NRE)
CCV	Conservation Council of Victoria (later became Environment Victoria)
Prim Prod	Person with experience in developing land for primary production
Ind & Comm	Person with experience in industry and commerce
Plan & Urban	Director-General of Planning and Urban Growth
Local Govt	Local government councillor from outside Melbourne
(D)	Deputy Chairman
(CFL)	Department of Conservation Forests and Lands
(DCE)	Department of Conservation and Environment
(WR)	Department of Water Resources
(CNR)	Department of Conservation and Natural Resources
(DMID)	Department of Manufacturing and Industry Development
(DEM)	Department of Energy and Minerals
(NRE)	Department of Natural Resources and Environment

Note: Name changes of organisations were as follows:

- State Rivers & Water Supply Commission → Rural Water Commission → Rural Water Corporation → amalgamated into Department of Water Resources → amalgamated into DCE.
- Department of Mines → Department of Minerals and Energy → amalgamated into Department of Industry, Technology and Resources → Department of Industry and Office of Economic Planning → Department of Manufacturing and Industry Development → Department of Energy and Minerals → amalgamated into Department of Agriculture, Energy & Minerals → amalgamated into NRE.
- Department of Conservation Forests and Lands → Department of Conservation and Environment → Department of Conservation and Natural Resources → Department of Natural Resources and Environment.
- Department of Agriculture → Department of Agriculture and Rural Affairs → Department of Agriculture → Department of Food and Agriculture
Department of Agriculture → amalgamated into Department of Agriculture, Energy and Minerals → amalgamated into NRE.
- Conservation Council of Victoria → Environment Victoria.

APPENDIX D2: Environment Conservation Council Membership (at 30 June each year)

	1998	1999	2000	2001
Chairman	Saunders	Lovering	Lovering	Lovering
	Nicholls	Cutler	Cutler	Cutler
	Ritchie	Ritchie	Ritchie	Ritchie

APPENDIX E(1): Land Conservation Council Staff

Year	Address	Chairman	Director; Land Use Planning	Principal Research Officer	Secretary	Staff
1970-1	464 St. Kilda Rd, Melbourne	Sam Dimmick			James Corkhill	4
1971-2	464 St. Kilda Rd, Melbourne	Sam Dimmick			Bill McCormack	8
1972-3	464 St. Kilda Rd, Melbourne	Sam Dimmick			Bill McCormack	12
1973-4	464 St. Kilda Rd, Melbourne	Sam Dimmick		Mick Lumb	Bill McCormack	17
1974-5	464 St. Kilda Rd, Melbourne	Sam Dimmick		Mick Lumb	Indran Kunaratnam	17
1975-6	464 St. Kilda Rd, Melbourne	Sam Dimmick		Mick Lumb	Indran Kunaratnam	17
1976-7	464 St. Kilda Rd, Melbourne	Sam Dimmick		Mick Lumb	Indran Kunaratnam	17
1977-8	464 St. Kilda Rd, Melbourne	Sam Dimmick		Mick Lumb	Indran Kunaratnam	17
1978-9	464 St. Kilda Rd, Melbourne	Sam Dimmick	Mick Lumb		Indran Kunaratnam	17
1979-80	464 St. Kilda Rd, Melbourne	Sam Dimmick	Mick Lumb		Indran Kunaratnam	17
1980-1	464 St. Kilda Rd, Melbourne	Sam Dimmick	Mick Lumb		Indran Kunaratnam	17
1981-2	464 St. Kilda Rd, Melbourne	Sam Dimmick	Mick Lumb	Roger Fyfe	Indran Kunaratnam	17
1982-3	464 St. Kilda Rd, Melbourne	Sam Dimmick	Mick Lumb	Roger Fyfe	Indran Kunaratnam	18
1983-4	464 St. Kilda Rd, Melbourne	Sam Dimmick	Mick Lumb	Roger Fyfe	Indran Kunaratnam	17
1984-5	464 St. Kilda Rd, Melbourne	David Scott	Mick Lumb	Roger Fyfe	Indran Kunaratnam	18
1985-6	464 St. Kilda Rd, Melbourne	David Scott	Mick Lumb	Roger Fyfe	Indran Kunaratnam	18
1986-7	464 St. Kilda Rd, Melbourne	David Scott	Ian Miles	Roger Fyfe	Sandra Whitty	18
1987-8	464 St. Kilda Rd, Melbourne	David Scott	Ian Miles	Roger Fyfe	Sandra Whitty	18
1988-9	464 St. Kilda Rd, Melbourne	David Scott	Ian Miles	Roger Fyfe	Geoff Blackman	18
1989-90	477 Collins St, Melbourne	David Scott	Ian Miles	Roger Fyfe	Geoff Blackman	18
1990-1	477 Collins St, Melbourne	David Scott	Ian Miles	Roger Fyfe	Geoff Blackman	17
1991-2	477 Collins St, Melbourne	David Scott	Ian Miles	Roger Fyfe	Geoff Blackman	17
1992-3	477 Collins St, Melbourne	David Scott	Ian Miles	Roger Fyfe	Geoff Blackman	14
1993-4	477 Collins St, Melbourne	David Scott	Ian Miles		Geoff Blackman	12
1994-5	477 Collins St, Melbourne	Don Saunders	Michael Crowe		Geoff Blackman	11
1995-6	477 Collins St, Melbourne	Don Saunders	Michael Crowe		Geoff Blackman	11
1996-7	477 Collins St, Melbourne	Don Saunders	Michael Crowe		Geoff Blackman	10

Research and Technical Staff – Land Conservation Council

Name	Period(s) worked	Name	Period(s) worked	Name	Period(s) worked
Yvonne Anson	1988	Don Hough	1989-95	Jean-Marc Porigneaux	1992-93, 1994-95, 1996-97
Chris Ashe	1976-81	Grant Hull	1977-79	Geoff Port	1987-93
David Ashwell	1985	Roy Hunter	1986-87	Robert Purdon	1973-74
Greg Beeston	1978-80	Peter Hurley	1979-84	Simon Ransome	1983-97
Geoff Bellamy	1987	Clive Jackson	1986-87	Diana Rice	1985-86
Hania Bibrowska	1992-97	Rebecca Jones	1995, 1996	Alan Robley	1989
Don Boustead	1976-78	Henry Joyeux	1990-91	Angela Sackmann	1986-87
Anita Brady	1995-97	Simon Kennedy	1997	Barry Scott	1979-86
Mike Cecil	1986-89	Max Kitchell	1978-83	Megan Sharp	1988-89
Ian Clark	1989	Susannah Larritt	1995	Mark Sheahan	1987-90
Russell Costello	1984-85	Peter Lawson	1971-78	Peter Sheehan	1975-77
Roger Cowley	1971-76	Mick Lumb	1974-87	Megan Smith	1989-92
Wallace Cowling	1975-80	Sally McCormick	1997	Mark Smoljo	1982-88
Peter Coyne	1973-78	Darren McKinty	1992	Andrew Storrie	1993-94
Michael Crowe	1995-97	Malcolm McKinty	1978-94	Michelle Summerton	1995
Jon Day	1977-78	Charles Meredith	1986	Carol Sweatman	1988
Colin Dimech	1995-97	Brad Miles	1988-93, 95-97	John Taylor	1971-78
David Duncan	1996	Ian Miles	1980-95	Andrew Thornley	1971-75
Theo Evans	1995	Peter Mills	1996	Brian Walsh	1982-88
Quentin Farmar-Bowers	1973-75	Lisa Morcom	1987	Michael Wassing	1989
Paul Fetterplace	1979-80	Linda Morgan	1977-79	Grant Watkinson	1980-87
Tracey Francisco	1988-95	Peter Moulton	1995-96	Brian Weavers	1989-90
Johanna Freslov	1992	Stephen Mueck	1986-87	Ross Werner	1992
Roger Fyfe	1981-94	Collon Mullett	1994, 1995	Jane Whitten	1991-92
Leigh Glover	1988-91	Peter Mulready	1976-77	Ross Williamson	1985
Liz Govanstone	1993	Rowena Myers	1994	Cynthia Wilson	1988
Christine Gray	1979	Rod Nathan	1977	John Wrigley	1972-74
Anne Hingston	1988, 1989, 1997	Brian Nelson	1996	Rob Youl	1977-81
Janet Hoare	1992	Mark Norman	1992		
Malcolm Holloway	1979-80	Paul Peake	1996-97		

Administrative Staff – Land Conservation Council

Name	Period worked	Name	Period worked	Name	Period worked
Vicki Barry	1990-92	Janet Hainsworth	1982-97	Mark Schrader	1975-76
Eileen Beale	1974-78	Diana Henderson	1973	Donna Schwab	1981-82
Lynette Bellert	1973-74	Bernard Inglis	1982-83	Athol Scott	1973
Alan Blachford	1972-73	Tony Jacotine	1993	Edwin Shaw	1972
Geoff Blackman	1977-97	Trevor Jeffs	1977	Anthony Smith	1976-78
Lyn Bright	1978-91	Doreen Koelmeyer	1975-76	Loretta Staats	1972-73
Rob Brisler	1989-94	Kassi Kokkinos	1988-90	Marion Thompson	1983-89
Wilma Buckley	1971-73	Indi Kunaratnam	1975-86	Kenneth Turner	1971-73
Theresa Burrows	1976-77	Richard Lavale	1974-75	Ron Twight	1976-79
Alan Cadd	1973-74	Peter Leeming	1978-82	Joy Vine	1994-97
Elvie Carram	1977	Heather Luff	1973	Yvonne Walsh	1972
Joan Chilton	1973	Joy Macdonald	1979	Phillip Webster	1974-75
Helen Ciancotti	1981	Jenny Malkos	1984	Sandra Whitty	1987-90
Peter Collis	1974-75	Glenis Maguire	1973	Yvonne Williams	1973
Irene Constantinou	1974-79	Jacqueline Marinakis	1989-97	Alan Wilson	1973-74
Peter Corbett	1975-76	Jane McCabe	1979-80	Fonda Wood	1980-83
James Corkhill	1971-72	Bill McCormack	1972-74		
Margaret Coxhead	1980	Fey Nicholls	1979		
John Dalton	1975-76	Diane Osborne	1980-81		
Greta De Costa	1977	Deborah Parsons	1973-74		
Margaret De Garis	1985	Patricia Pennefather	1973		
Chris De Kretser	1993	Maria Pereira	1984-85		
Celine Dickson	1974	Gloria Pinto	1992-94		
Pamela Dickson	1987	Tom Prentice	1979-80		
Heather Dimsey	1973-74	Josephine Prinzi	1974-75		
Jill Dixon	1972-73	Walter Rabot	1973		
Jenny D'Lima	1985-87	Pamela Radford	1972-73		
Gwenda Ellis	1979-80	Nancy Randell	1972		
Mick Ewer	1980-84	Lorraine Ratnapala	1992-93		
Patrick Ferguson	1976-77	Ronald Regan	1973-76		
Cheryle Fotheringham	1986-87	Frank Robins	1972		
Harry Frey	1971-72	Gwynneth Robinson	1975		
Peter Garzoli	1979	Daphne Rogan	1976-80		
Maureen Gunasekera	1983-85	Robert Rosenzweig	1974-76		

APPENDIX E(2): Environment Conservation Council Staff

Year	Address	Chairman	Executive Officer	Project Leaders	Senior Admin Officer	Staff
1997-8	115 Victoria Pde, East Melbourne	Don Saunders	Shane Dwyer	Simon Ransome Richard Bland	Geoff Blackman	10
1998-9	250 Victoria Pde, East Melbourne	John Lovering	Shane Dwyer	Simon Ransome Joan Phillips	Geoff Blackman	12
1999-00	250 Victoria Pde, East Melbourne	John Lovering	Shane Dwyer	Simon Ransome Joan Phillips	Geoff Blackman	12
2000-1	250 Victoria Pde, East Melbourne	John Lovering	Shane Dwyer	Simon Ransome Paul Peake	Geoff Blackman	9

Research and Technical Staff - Environment Conservation Council

Name	Period worked
Rachael Bathgate	1997-98
Hania Bibrowska	1997-00
Ric Bland	1998
Garry Cheers	1999
Shane Dwyer	1997-01
David Gore	1999, 2000
Anne Hingston	1998
Greg Holland	1999-01
Peter Kinchington	1998-01
Sally McCormick	1997-98
Jane McGann	1998
Grant Palmer	2000-01
Paul Peake	1997-01
Joan Phillips	1998-00
Jean-Marc Porignaux	1997-98
Simon Ransome	1997-01
Sue Street	1998-01
Joady Thomson	1998
Ari Vlassopoulos	1999-00

Administrative Staff - Environment Conservation Council

Name	Period worked
Geoff Blackman	1997-01
Clare Curran	2001
Janet Hainsworth	1997-01
Wendy Havard	1999, 2000, 2001
Mandy Rossetto	1999-01
Joy Vine	1997-01

APPENDIX F: Land Conservation Council and Environment Conservation Council Investigations

Study	Type	Time frame
South Western Area District 1	Regional	June 71 - Apr 73
South Gippsland Area District 1	Regional	June 71 - Oct 73
North Eastern Area District 1	Regional	June 71 – Nov 73
North Eastern Area District 2	Regional	June 71 – July 74
Melbourne Area	Regional	June 71 – Jan 77
North Eastern Area, Districts 3, 4 and 5	Regional	Mar 73 – Apr 77
Mallee Area	Regional	May 72 – May 77
East Gippsland Area	Regional	Mar 73 – Mar 77
Alpine Area	Regional	Sep 73 – Jun 79
Corangamite Area	Regional	Feb 74 – Sep 78
North Central Area	Regional	Feb 76 – Feb 81
South Western Area, District 2	Regional	Feb 76 – May 82
Stradbroke	Special	Feb 77 – Nov 77
Ballarat Area	Regional	May 78 – Apr 82
South Gippsland Area, District 2	Regional	May 78 – Nov 82
Gippsland Lakes Hinterland Area	Regional	Apr 80 – Feb 83
South Western Area, District 1	Review	June 80 – Mar 83
South Gippsland Area, District 2, Gellions Run	Special	Jan 81 – May 81
North Eastern Victoria, Ovens Softwood Plantation Zone	Special	Mar 81 – Nov 81
Melbourne Area, Hill End	Special	Feb 82 – Jan 83
Murray Valley Area	Regional	Apr 82 – May 85
Alpine	Special	May 82 – Nov 83
Wimmera Area	Regional	Aug 83 – Nov 86
North Eastern Area, Benalla-Upper Murray	Review	Jan 84 – Jan 86
Melbourne Area, District 1	Review	June 84 – June 87
East Gippsland	Review	July 84 – Dec 86
Mallee	Review	June 85 – Aug 89
Statewide Assessment of Public Land Use	Special	July 86 – Sep 88
Latrobe Valley	Special	Aug 86 – Oct 87
Melbourne Area, District 2	Review	May 87 – July 94
Rivers and Streams	Special	Nov 87– June 91
Wilderness	Special	Aug 88 – Nov 91
Marine and Coastal	Special	Sep 91 – June 97
Historic Places South Western Victoria	Special	Feb 95 – Jan 97
Marine, Coastal and Estuarine	Regional	Sep 97 – Aug 00
Box-Ironbark Forests and Woodlands	Regional	Nov 97 – June 01

APPENDIX G: Victorian public land use in 1970, and in 2005 after LCC, ECC and VEAC recommendations

Public Land Use 1970	Area in 1970 (ha)	% of Victoria 1970	LCC, ECC & VEAC recommendations	Area in 2005 (ha)	% of Victoria 2005
National parks	205 000	0.9	National, state & coastal parks, national heritage park, wilderness	3 121 520	13.7
Conservation reserves	51 380	0.2	Conservation reserves	652 650	2.9
			Otway Forest park	39 265	0.2
Reserved forest	2 350 030	10.3	State forest	3 314 680	14.6
(includes plantations)			Plantations	139 070	0.6
Unreserved Crown land	5 304 900	23.3			
Other reserves	522 770	2.3	Other reserves	507 325	2.2
Services & utilities	691 050	3.0	Services & utilities	601 720	2.6
Total public land	9 125 130	40.1	Total public land	8 376 230	36.8
Private land	13 615 270	59.9	Private land	14 364 170	63.2
			Marine National Parks	52 900	5.2
			Marine Sanctuaries	875	0.09
			Marine Special Management Areas	7 385	0.7

Notes:

1. Land percentages based on the total land area of Victoria – 22 740 400 ha.
2. Marine percentages based on the total Victorian marine area – 1 017 400 ha.
3. Land areas in 2005 are as recommended; areas of marine national parks and sanctuaries are as reserved.
4. 'National, state & coastal parks' in 2005 include reference areas in parks, and Gippsland Lakes Reserve.
5. 'Conservation reserves' in 2005 include: nature conservation reserves; reference areas except those in parks; regional parks; all natural features reserves except water frontages; and historic & cultural features reserves.
6. 'Other reserves' in 2005 include: community use areas; alpine resorts; water production areas; water frontages; earth resources areas; and uncategorised public land.
7. 'Unreserved Crown land' in 1970 includes some land developed for farms, in the process of sale.
8. Private land in 2005 includes Crown land recommended for agriculture and land not required for public purposes.

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As If For A Thousand Years

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