

Conclusion

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Conclusion

The main path for dispute resolution is through the judicial court system. It is the recognized and perhaps preferred channel given the common law background of the nation state for environmental dispute resolution. These sources in themselves contribute to the general awareness of the population on environmental matters. However, these are not the only sources, for the awareness programmes of the Department of Environment together with the newspapers, television media and the non-governmental agencies stand shoulder to shoulder to play their part in environmental preservation and conservation of natural resources. There are several activities undertaken by the Department of Environment in this regard.

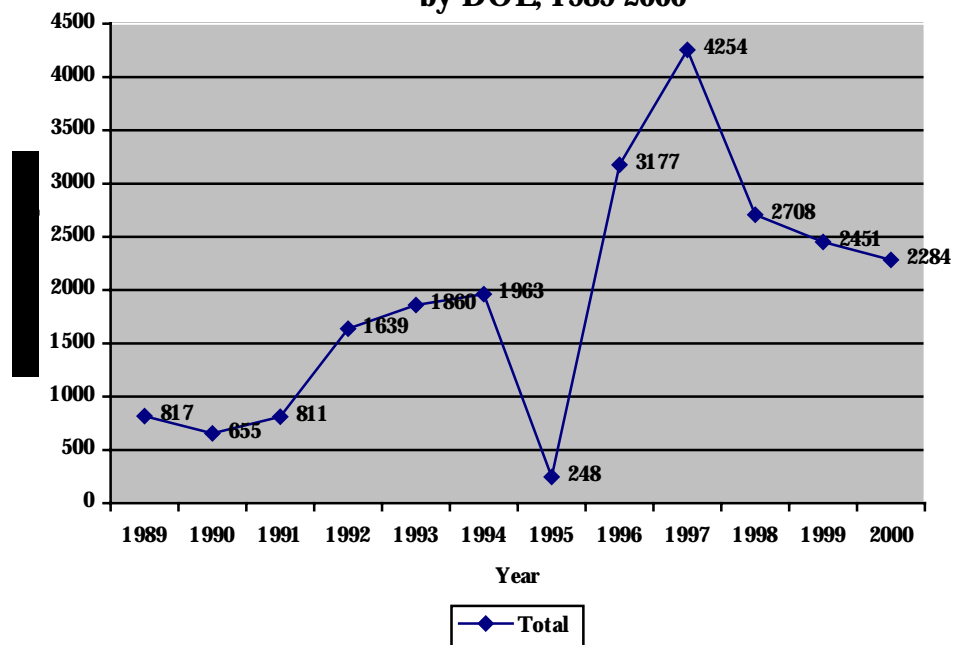
The *Kajing Tubek Case* is a landmark decision that adjusted the roles played by section 34A of the EQA 1974, the 1987 Order, the Sarawak Ordinance of 1949 and the Federal Constitution. There are very few administrative actions that the Department of Environment undertakes in environmental management, the principal one being the issue of notices and followed by prosecution under sections 25, 31 and 37. The body of environmental law is growing and like every other developing nation, this is a testing time for Malaysia. It is a difficult task for enforcement officers to catch the start of a big fire, very often they arrive in time to see the ashes only. The strict liability nature of the offences is due to the inability of prosecutors to catch offenders in the process of committing a violation and the draconian penalties are a reflection of the tussle within the Department to uphold environmental standards and at the same time discourage environmental pollution. Thus the burden of proof is shifted on to the occupier or owner.

Table 20
Department of Environment: River Quality Monitoring Stations, 1995-2000

Types of Monitoring	<i>Year</i>					
	1995	1996	1997	1998	1999	2000
Manual monitoring						
River Basin	115	116	117	120	120	120
Number of Monitoring Stations	821	909	909	900	902	902
Automatic Continuous Monitoring						
River Basin	2	4	6	8	10	10
Number of Monitoring Stations	2	4	6	8	10	10

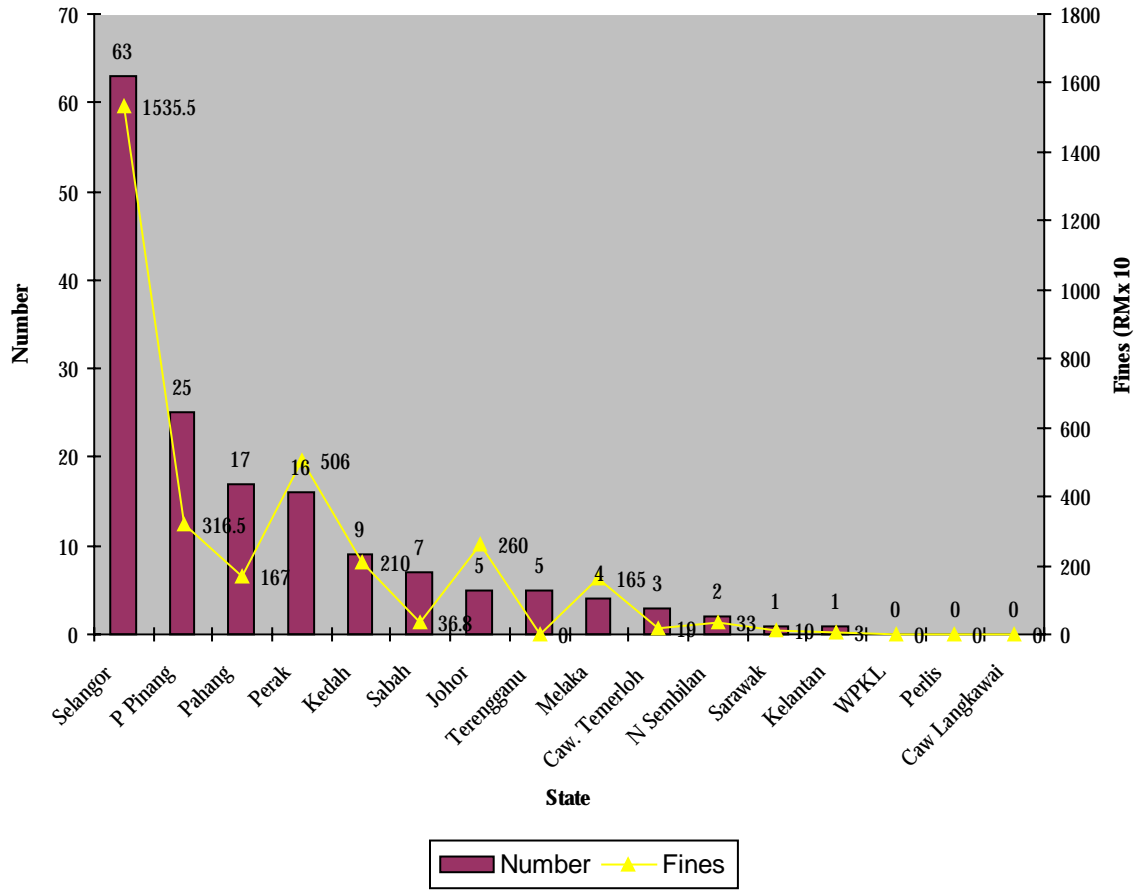
Source: Department of Environment, Ministry of Science Technology and Environment, Annual Report 2000.

Chart 2 : Department of Environment: Complaints Received by DOE, 1989-2000



Source: Department of Environment, Ministry of Science Technology and Environment, Annual Report 2000

Chart 3 : Department of Environment: Cases Prosecuted and Fines Imposed, 2000

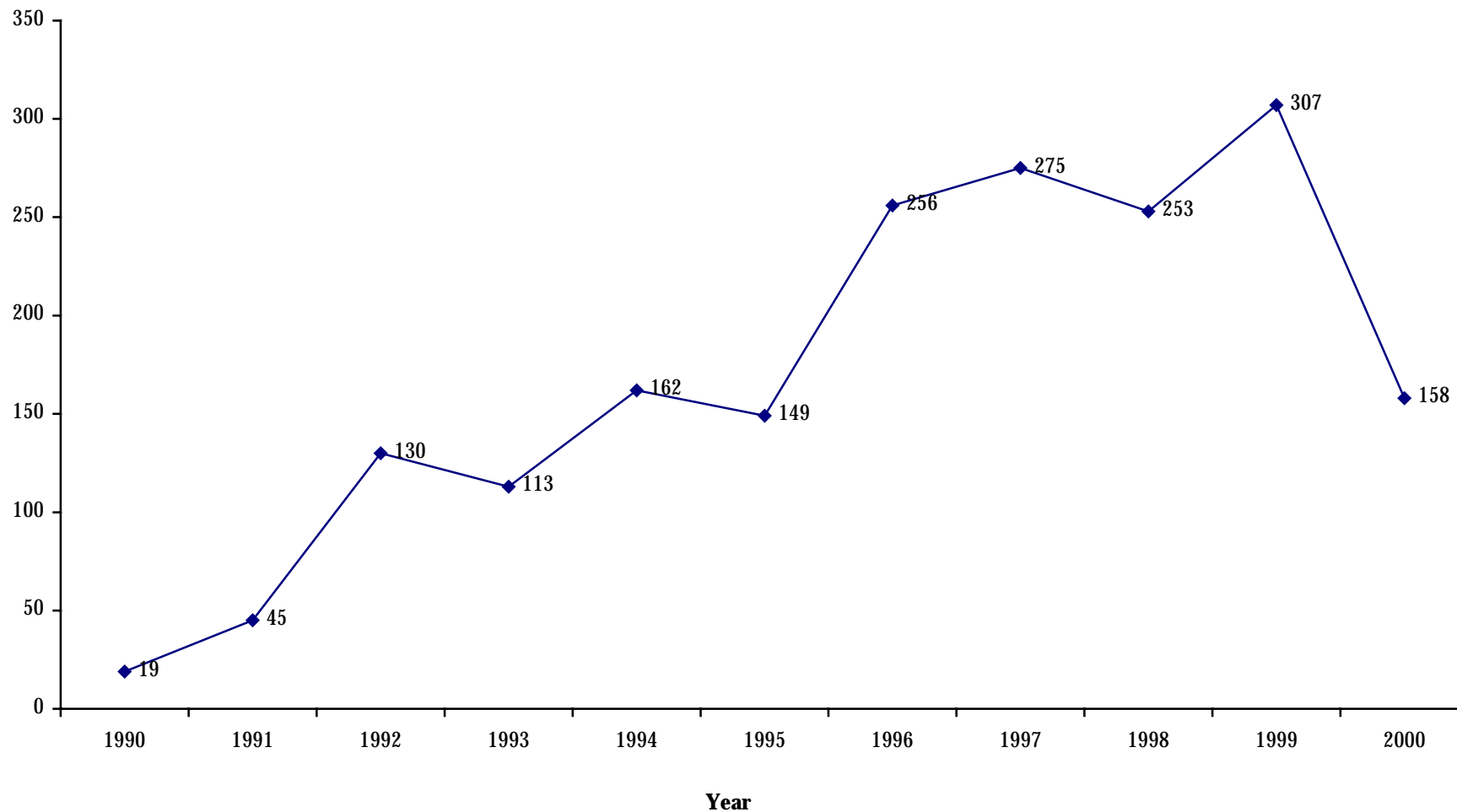


Source: Department of Environment, Ministry of Science Technology and Environment, Annual Report 2000.

RULES AND REGULATIONS MADE PURSUANT TO THE ENVIRONMENTAL QUALITY ACT 1974 (ACT 127)

1. Environmental Quality (Licensing) Regulations 1977
2. Environmental Quality (Prescribed Premises) (Crude Palm Oil) Order 1977
3. Environmental Quality (Prescribed premises) Crude Palm Oil) Regulations 1977
4. Environmental Quality (Prescribed Premises) (Raw Natural Rubber) Order 1978
5. Environmental Quality (Clean Air) Regulations 1978
6. Environmental Quality (Compounding of Offences) Rules 1978* (see below)
7. Environmental Quality (Prescribed Prescribed) (Raw Natural Rubber) Regulations 1978
8. Environmental Quality (Sewage and Industrial Effluents) Regulations 1979
9. Environmental Quality (Control of Lead Concentration in Motor Gasoline) Regulations 1985
10. Environmental Quality (Motor Vehicle Noise) Regulations 1987
11. Environmental Quality (Prescribed Activities) (environmental Impact Assessment) Order 1987
12. Environmental Quality (Scheduled Wastes) Regulations 1989
13. Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment and Disposal Facilities) Order 1989]
14. Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment and Disposal Facilities) Regulations 1989
15. Environmental Quality (Delegation of Power on Marine Pollution Control) Order 1993
16. Environmental Quality (Prohibition on the Use of Chlorofluorocarbons and Other Gases as Propellants and Blowing Agents) Order 1993
17. Environmental Quality (Delegation of Powers on Marine Pollution Control) Order 1994
18. Environmental Quality (Prohibition on the Use of Controlled Substance in Soap, Synthetic Detergent and Other Cleaning Agents) Order 1995
19. Environmental Quality (Control of Emission From Diesel Engines) Regulations 1996
20. Environmental Quality (Control of Emission From Petrol Engines) Regulations 1996
21. Environmental Quality Amendment Act 1998
22. Environmental Quality (Halon Management) Regulation 1999
23. Environmental Quality (Refrigerant Management) Regulation 1999
24. Environmental Quality (Delegation of Powers) Order 1999
25. *Environmental Quality (Compounding of Offences) (Amendment) Rules 1999

Chart 4 : Department of Environment Number of Court Cases 1990-2000



Source: Department of Environment, Ministry of Science, Technology and Environment Annual Report 2000.

Department of Environment, Organisational Structure

