

Labor outlines its environmental policies

The Australian Labor Party emphasised the protection of biodiversity in its environmental policy statement released on 15 February 2001. It described unregulated land clearing as the single largest threat to biodiversity and undertook to work cooperatively with the States to implement land clearing controls, with national standards and supporting legislation.

The statement said that Labor would establish an Office of the Commissioner for the Environment. The Commissioner would head an independent body charged with monitoring, assessing and honestly communicating environmental performance and progress towards sustainability.

The statement also committed Labor to establish a National Framework for Environmental Management Information Systems, and to work with State and Local government to integrate existing databases. Public access to the Framework would be maximised.

Proposals to increase protection for the Great Barrier Reef Marine Park

On 5 April 2001, the Government introduced in the Senate proposed amendments to the *Great Barrier Reef Marine Park Act 1975* (Cth) to assist in protecting the park from the effects of negligent navigation, oil spills and illegal fishing.

The amendments make it an offence to operate a vessel in the park in a manner that results in environmental damage, and impose a maximum penalty of \$1.1 million. Penalties for the discharge of oil or other hazardous substances, and for illegal fishing, would also increase to \$1.1 million. Environment and Heritage Minister Robert Hill said that a recent CSIRO report had revealed that 40–50 trawlers were fishing illegally in zones in the park where such fishing is prohibited.

For further information see the Second Reading Speech, Senate Hansard, 5 April 2001.

Inquiry into Catchment Management

The House of Representatives Standing Committee on Environment and Heritage has made far-reaching recommendations aimed at improving the health and management of Australia's water catchments. The recommendations were put forward in the Committee's *Report of Inquiry into Catchment Management*, released in February 2001.

The Committee described the problem of catchment management as the most pressing public policy problem in contemporary Australia, affecting all Australians, rural and urban. It said that, unless action is taken, our quality of life will suffer dramatically.

The Committee recommended that the Government examine the feasibility of introducing an environmental levy to fund a massive national program to improve the health of Australia's water catchments. The levy would be in place for 25 years and would be identified separately on taxation assessment notices. The Committee noted estimates indicating an annual funding requirement in the region of \$5–7 billion.

The Committee also recommended that:

- a National Catchment Management Authority be established to deliver Australia's entire catchment management program, from research to planning, funding, implementation and monitoring;

- the Australian Law Reform Commission should examine the feasibility of, and options for, creating a coherent, integrated national body of law dealing with the ecologically sustainable use of land; and
- the current National Land and Water Resources Audit be formally established as an ongoing independent statutory authority called the National Environment Audit Office

Inquiry into urban water management

The Senate has referred the management of Australia's urban water to both the Senate Committee on Environment, Communications, Information Technology and the Arts References Committee, for inquiry and report by 1 April 2002. The terms of reference are:

- the need for ecologically sustainable water use;
- the adequacy of Australia's policies to manage urban and industrial water usage and improve water quality;
- the environmental performance of Australian urban stormwater management;
- scientific and regulatory mechanisms for improving water quality and environmental outcomes; and
- the appropriate role for each level of government.

Submissions are requested by 15 June 2001. Further information is available at www.aph.gov.au/senate_environment or from the Inquiry Secretariat at (02) 6277 3526.

Land clearing listed as a threatening process under EPBC Act

Environment and Heritage Minister Robert Hill has accepted advice from the Threatened Species Scientific Committee, to list land clearing as a threatening process under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) [EPBC Act].

Announcing the decision on 4 April 2001, Senator Hill criticised land clearing in Queensland and called on the Queensland Government to take action to control land clearing in that State. The Queensland Premier described Senator Hill's action as a political stunt and an attack on Queensland's farmers.

Additions to lists of nationally threatened species and communities

On 4 April 2001, Minister Hill announced that 15 species and five ecological communities would be added to the list of nationally threatened species and communities under the *EPBC Act*. Actions that are likely to have a significant impact on a threatened species or community will require Commonwealth approval under that Act.

The Southern Elephant Seal, Northern Giant Petrel, Southern Brown Bandicoot and the critically-endangered Bare-rumped Sheath-tailed Bat, are included in the new list. The ecological communities include the Brigalow and the semi-evergreen vine thickets of the Brigalow, which have suffered an extensive decline in recent years as a result of land clearing in New South Wales and Queensland.

Senator Hill also announced the adoption of 56 recovery plans for threatened animal and plant species throughout Australia.

Lake Eyre Basin legislation passed

(See also *Australian Environmental Law News* No 1/2001.)

The Lake Eyre Basin Intergovernmental Agreement has been given legislative backing with the passage through the Senate and the House of Representatives, in March and April 2001, of the Lake Eyre Basin Intergovernmental Agreement Bill 2001. The Agreement, signed by the Commonwealth, South Australian and Queensland Governments in October 2000, aims to achieve sustainable management of the natural resources of the Basin. It establishes a cooperative framework for addressing cross-border issues in the Basin associated with water and the related natural resources of the Coopers Creek and the Georgina/Diamantina River systems. The Lake Eyre Basin covers 1.14 million square kilometres or some 15 per cent of the Australian continent.

Sydney Harbour Federation Trust legislation

Following agreement between the Federal Government and the Australian Democrats on amendments to the draft legislation, the Sydney Harbour Federation Trust Bill 2000 was passed by the Senate and the House of Representatives and received Royal Assent on 20 March 2001.

The Act establishes the Sydney Harbour Federation Trust to undertake planning, management and rehabilitation responsibilities for six properties previously occupied by the Department of Defence. Located on the Harbour foreshore and adjacent islands, the properties cover 130 hectares and include 408 buildings, (a number of which are heritage listed) 14 Aboriginal sites, areas of pristine natural vegetation, and structures such as docks, wharves and cranes. The properties were formally handed over to the Trust on 18 March 2001.

Criminal Code applied to environmental offences

The *Environment and Heritage Legislation Amendment (Application of Criminal Code) Bill 2000* received Assent on 22 March 2001. The Act amends 11 Acts administered by the Environment and Heritage portfolio so as to ensure that when Chapter Two of the *Criminal Code Act 1995* (Cth) is applied to pre-existing portfolio offence provisions, from 15 December 2001, those provisions will continue to apply in the same manner as previously.

If the 11 Acts containing offence provisions were not amended, the application of the *Criminal Code* may alter the interpretation of the existing offence provisions. In the absence of express reference to the fact that an offence is either a strict or absolute liability offence, after the application of the *Code*, a court will be obliged to interpret an offence provision as a fault offence and no longer one of a strict liability. The amendments also bring the Environment and Heritage portfolio's legislation more closely into accord with the *Criminal Code*.

For further information see the Second Reading, Senate Hansard, 6 December 2000.

EIS under EPBC Act

Minister Hill determined, under Section 87 of the *EPBC Act 1999* (Cth) that the proposed national low-level radioactive waste repository in South Australia must undergo environmental assessment by means of an environmental impact statement (EIS).

The Commonwealth Department of Industry, Science and Resources will prepare the EIS. Senator Hill released draft guidelines for the EIS on 6 April 2001, which are available for public comment until 23 May 2001. The draft guidelines require an assessment of the preferred site at Evetts Field West in the Woomera Prohibited Area together with two other sites also assessed as suitable.

The proposed low-level radioactive waste repository would store low-level and short-lived intermediate-level waste, and would be separate from the proposed storage facility for intermediate-level radioactive waste generated by Commonwealth agencies.

The draft guidelines are available through www.environment.gov.au/epbc/publicnotices/index.html (Reference No 2001/151) or from Environment Australia's Community Information Unit on 1800 803 772.

ANZECC proposals for a National Dioxins Program

At its meeting in December 2000, the Australian and New Zealand Environment and Conservation Council (ANZECC) agreed to consider options to establish a National Dioxins Program at its June 2001 meeting. A Dioxins Project Team, consisting of officers from Commonwealth, State and Territory environmental agencies, has prepared a discussion paper and has been consulting with key stakeholders.

For further information, contact the Project Team on (02) 6250 0270.

Draft Quarantine and Pre-shipment Strategy for methyl bromide

Environment Australia has released for public comment a draft Quarantine and Pre-shipment Strategy for methyl bromide. Methyl bromide is an ozone-depleting substance used primarily as a soil fumigant in horticultural industries and as a quarantine and pre-shipment treatment for imports, exports and certain commodities transported interstate.

The draft Strategy is available at www.environment.gov.au/ozone or by contacting Environment Australia on (02) 6274 1172.

Draft National Environment Protection (Diesel Vehicle Emissions) Measure

With the objective of improving air quality in Australian cities, the National Environment Protection Council (NEPC), working with the National Road Transport Commission, has released for public comment a draft National Environment Protection (Diesel Vehicle Emissions) Measure and a draft Impact Statement. The Goal of the proposed Measure is to facilitate compliance with national emission standards for in-service diesel vehicles.

Diesel vehicles contribute about 60–80% of particle emissions and about 40% of emissions of oxides of nitrogen, even though they make up less than 10% of all vehicles on the road.

Copies of the documents are available at www.nepc.gov.au. For further information, contact the NEPC Service Corporation on (08) 8419 1200.

Renewable Energy Regulations

The *Renewable Energy (Electricity) Regulations 2000* came into effect in early April 2001. They include methods for establishing baselines and liabilities, rules for accrediting power stations and administrative guidelines.

National Framework for the management and monitoring of native vegetation

An evaluation report on progress against the National Framework for the Management and Monitoring of Australia's Native Vegetation and fulfilment of jurisdiction workplans is available at www.environment.gov.au/bg/publications/nvf.html or from Environment Australia's Community Information Unit on 1800 803 772.