

State of the Environment 2001

The Minister for the Environment and Heritage, Dr David Kemp, tabled in March 2002 *Australia's State of the Environment 2001* (SOE 2001). The report is the second independent national report on Australia's environment and heritage. An expert committee chaired by Professor Bruce Thom prepared the report.

The report draws on seven detailed theme reports: Atmosphere, Human Settlements, Biodiversity, Land, Natural and Cultural Heritage, Inland Water, and Coasts and Oceans. For each of the seven themes the report presents favourable and unfavourable findings, together with findings where the news is uncertain.

The Committee's overarching messages, Professor Thom said, are:

- , Every single Australian has an impact on the environment and we are all responsible for its future.
- , Land and water degradation are of critical concern, together with associated loss of biodiversity and heritage values of the landscape.
- , Government intervention, particularly regulation, can be effective in protecting Australia's environment and heritage;
- , Institutional barriers are often a barrier to effective environment and heritage management.
- , All Australians have major challenges in the sustainable use of resources and in the maintenance of our natural and cultural heritage despite some areas of recent improvement.
- , Managing the activities of people in a way that conserves habitats while conserving resources and industries is extraordinarily complex and difficult. This is no easy task.
- , Many indicators developed for SOE reporting at the national level could not be assessed in SOE 2001 as there were large data gaps and problems of consistency.

The report and the supporting theme reports can be found at www.ea.gov.au/soe/2001. A Key Findings brochure and a set of fact sheets can be found at www.ea.gov.au/soe.

Federal Budget 2002-2003

The Commonwealth Government has announced that it will spend over \$1.8 billion to protect the environment in 2002-2003, an increase of \$198 million compared with 2001-2002. This includes provision for a new National Coastal Policy and a national rescue effort for the Murray-Darling Basin.

Environmental funding and initiatives announced in the Federal Budget for 2002-2003 includes:

- , extension of the Natural Heritage Trust for the next five years and an injection of \$1 billion, with an estimated expenditure from the Trust of \$250 million in 2002-2003;
- , expenditure of \$103.57 million in 2002-2003 from the Natural Heritage Trust Coastcare and Rivercare programs to improve the condition of Australia's coasts and waterways;
- , expenditure of \$100.7 million on the National Action Plan for Salinity and Water Quality, out of a seven-year provision of \$1.4 billion;
- , a budget of \$113 million for the Australian Greenhouse Office;
- , \$9.1 million for the National Oceans Office to finalise the development of the South-East Regional Marine Plan and to begin the development of a marine plan for the Gulf of Carpentaria and the Torres Strait region;
- , \$10.5 million for the Sydney Harbour Federation Trust to rehabilitate and return Sydney Harbour foreshore lands to the public;

- \$38.7 million for the ongoing operation of the *Environment Protection and Biodiversity Conservation Act 1999*, including provision of streamlined processes and information, education and training;
- \$10.2 million for in-service emissions testing of diesel and petrol vehicles and \$2.3 million to implement the new national fuel quality standards legislation;
- \$4.5 million to promote eco-efficiency and to work with the packaging, construction and mining industries to improve the environmental performance of these industries; and
- improved protection for the Great Barrier Reef, with a commitment of \$31.2 million in 2002~2003.

Regional Forest Agreement Developments

(See also National Environmental Law Review No1/2002)

With the support of the Australia Labor Party, the Regional Forest Agreements Bill has passed the Senate and the House of Representatives. The Bill received Assent on 2 April 2002 and the Act came into force on 3 May 2002.

The *Regional Forest Agreements Act 2002* provides legislative backing for regional forest agreements (RFAs), especially the resource security provisions of RFAs. The Act provides that:

- RFA forestry operations are excluded from Commonwealth legislation relating to export controls, the environment and heritage;
- the Commonwealth is bound to the termination and compensation provisions of RFAs;
- information about RFAs is published;
- RFAs and related reports and reviews are tabled in Federal Parliament;
- the Forest and Wood Products Council continues as an industry consultation forum, to be reviewed in 2004; and
- the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is amended so that the RFA Act and the EPBC Act have identical provisions concerning the application of the EPBC Act to forestry operations.

The Tasmanian Resource Planning and Development Commission is currently conducting an inquiry into Progress with Implementation of the Tasmanian Forest Agreement (1997) and has released a Background Report for public comment. Closing date for submissions is 1 July 2002. Further information and copies of the Background Report are available via the RPDC website at www.rpdc.tas.gov.au.

EPBC Act Developments

Christmas Island Immigration Reception and Processing Centre

The Environment and Heritage Minister, Dr David Kemp, announced on 17 April 2002 that he had decided to grant exemptions from some of the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* in relation to the proposed Immigration Reception and Processing Centre and associated infrastructure on Christmas Island.

Although the environmental assessment and approval processes under the Act will not apply, the *Environment Protection and Biodiversity Conservation Regulations 2000* that protect biodiversity in Commonwealth areas (such as Christmas Island) will still apply. Any works that may affect the Christmas Island National Park will also need to comply with the management plan for the Park and will require appropriate authorisation. The proposal will also need to comply with other requirements designed to ensure best practice in environmental management for the Centre.

Great Barrier Reef

On 5 April 2002 the Minister released for public comment draft guidelines for an environmental impact statement under the EPBC Act, for a proposal to conduct a seismic survey in the Townsville Trough, about 200 kilometres off the North Queensland coast.

Wildlife Trade Public Notification and Participation

The new wildlife trade provision in Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* allows for public comment on:

- , proposed amendments to the list of specimens approved for live import;
- , Australian wild harvesting proposals; and
- , applications for exceptional circumstances permits.

In order to assist the public to become familiar with the new public notice arrangements, Environment Australia is providing an email service whereby an email will be sent to interested persons when a new notification is added to the EPBC Act web site. People who wish to receive these emails should send an email to darryn.van.someren@ea.gov.au, with the subject heading Public Notices.

Great Barrier Reef Marine Park (Boundary Extension) Bill

On 21 March 2002 Senator Bartlett (Australian Democrats) introduced the Great Barrier Reef Marine Park (Boundary Extension) Bill. The Bill seeks to provide additional protection to the Great Barrier Reef Marine Park and Region by extending the boundaries of the Region out to the boundaries of the Exclusive Economic Zone, thereby preventing oil exploration and production in the extended region.

Under the *Great Barrier Reef Marine Park Act 1975*, operations for the recovery of minerals (including prospecting and exploration) are generally prohibited within the boundaries of the Park. Under the *Great Barrier Reef Region (Prohibition Of Mining) Regulations 1999* (the Regulations), mining operations within the Region but outside the Park, are also prohibited. The Bill therefore seeks to extend the geographical scope of the Regulations by widening the boundaries of the Region.

Independent Review of the Australian Greenhouse Office

On 1 May 2002 the Environment and Heritage Minister, Dr David Kemp, announced the commencement of an independent review of the Australian Greenhouse Office, fulfilling a commitment made when the AGO was established as an Executive Agency two years ago.

The Hon Warwick Smith, a former Federal Minister and Shadow Minister for Science and Energy, and now an Executive Director with Macquarie Bank, will carry out the review.

The review is to report to the Government by 30 June 2002, and is to be conducted in accordance with the following terms of reference:

Taking into account:

- , Australia's international obligations under the United Nations Framework Convention on Climate Change and its commitments on greenhouse;
- , Developments in international negotiations;
- , The interaction between greenhouse policy and other government objectives; and
- , Australia's forward strategy for addressing climate change.

Provide advice on:

- , Whether the scope of the operations of the Australian Greenhouse Office remains appropriate and
- , The efficiency and effectiveness of the Australian Greenhouse Office in delivering government policy and communicating the government position.

South-East Regional Marine Plan— Reports Released

In connection with the development of the south-east regional marine plan, the Environment and Heritage Minister, Dr David Kemp, released on 10 May 2002 seven reports, an associated summary report and a discussion paper.

The seven reports deal with:

- , Ocean management the legal framework;
- , Resources using the ocean
- , Ecosystems nature s diversity;
- , Communities connecting with the ocean;
- , Impacts identifying disturbances;
- , Sea Country an Indigenous perspective; and
- , Resources Macquarie Island s picture.

The National Oceans Office is seeking public comment on the reports. They are available at the Oceans Office web site www.oceans.gov.au.

Environmental Code of Practice Announced for Firewood Merchants

On 1 June 2002 the Environment and Heritage Minister, Dr David Kemp, announced the first code of practice for the Australian firewood industry. Firewood merchants who sign the code commit their companies to ensuring that the firewood they sell is not sourced from the habitat of endangered species and to promoting firewood from plantations and sustainably managed forests.

The Voluntary Code of Practice for Retail Firewood Merchants is available from www.ea.gov.au/firewood.