

# NELR recent developments

setting of a greenhouse gas 'trigger' for large emitters, enabling the regulation of greenhouse gases as part of licensing and works approvals. This investigative process was to be led by the Department of Premier and Cabinet.

Amendments to the *Environment Protection Act 1970* (Vic) do not in themselves introduce any new requirements for business and industry. Any proposed changes to regulations or statutory policies under the EPA's new head of power are required by law to be subject to a full public consultation and impact assessment process and be independently examined by the Victorian Competition and Efficiency Commission.

The Government will also engage stakeholders in developing any regulations to ensure they are effective and targeted. The Government will establish an Industry Advisory Group under the Premier's Leadership Forum to advise on appropriate models to drive best practice approaches and technology in Victoria's highest emitting general industry and commercial sites. The Advisory Group will be chaired by an eminent businessperson or high level advisor to business, and members will include peak bodies and leading industry organisations.

See: <http://www.premier.vic.gov.au/climate-change/12499-the-implementation-plan.html>

## TASMANIA

*Jess Feehely*

### ***Tasmanian Charter of Rights may include a right to environmental sustainability***

In October 2010 the Tasmanian Government released a directions paper on a proposed model for a legislated charter of rights, following the examples set by Victoria and the ACT. The proposed charter goes beyond the civil and political rights adopted in other Australian charters and includes a range of social, cultural and economic rights.

In 2006–07 the Tasmanian Law Reform Institute undertook an extensive research and consultation project regarding the need for a Tasmanian charter of rights. Over 350 submissions were received and the resulting report, *A Charter of Rights for Tasmania*, included strong recommendations in favour of a Charter of Rights. The Law Reform Institute specifically recommended that the charter include 'the right to a safe environment and to the protection of the environment from pollution and ecological degradation.'

The discussion paper also seeks feedback from the public regarding a number of the rights being considered, including the right to have the environment protected for present and future generations through reasonable legislative and other measures. Such a right would be consistent with the current objectives of the relevant planning and environmental legislation in Tasmania and the rights advanced by charters in other jurisdictions

such as South Africa and Norway.

The government proposes to replace the Office of the Anti-Discrimination Commissioner with a Human Rights Commission to conduct education activities, receive complaints, enquire into whether programme and service delivery is consistent with the Charter and ask the Supreme Court to determine whether legislation meets standards set by the Charter.

Comments can be made on the directions paper until 14 January 2011.

See: [www.justice.tas.gov.au/corporateinfo/projects/human\\_rights\\_charter](http://www.justice.tas.gov.au/corporateinfo/projects/human_rights_charter).

### ***Forests Statement of Principles signed***

On 14 October 2010, a number of conservation and forest industry groups in Tasmania signed an historic statement of principles aimed at resolving the conflict over forests, protecting native forests and developing a strong, sustainable timber industry. Signatories include Timber Communities Australia, the Construction, Forestry, Mining and Energy Union (CFMEU), Forest Industries Association of Tasmania, Environment Tasmania, Australian Conservation foundation (ACF) and the Wilderness Society.

The 'Tasmanian Forests Statement of Principles' is an in-principle agreement on a range of issues, including:

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- sustainable wood supply, based on agreed minimum quantities, and an ongoing supply of specialty timbers
- immediate protection of high conservation value forests on public land identified by the environmental NGOs, by way of a moratorium phased in over three months. While the boundaries of high conservation areas have yet to be finalised, initial indications are that this could include more than 600 000 hectares of additional reserves, including the Tarkine rainforest, Great Western Tiers, Blue Tier and the Upper Florentine Valley
- support for plantation certification and transition of the commodity forest industry out of public native forests into sustainable plantations
- independent, scientific landscape conservation and integrated catchment management programmes, and associated reform of laws and policies governing resource management in Tasmania
- only plantation residues to be used as biomass for Renewable Energy Certificates
- Forestry Tasmania to seek FSC certification.

Most controversially, the Statement of Principles includes support for 'a range of plantation based timber processing facilities, including a pulp mill.' Conservation signatories have denied that the principles amount to support for the proposed

Gunns Pulp Mill at Bells Bay, emphasising that any proposed mill must be based on a new and transparent public consultation process. However, a number of groups in the region of the Bells Bay mill have refused to endorse the Statement of Principles.

The Statement commits the parties to seek Tasmanian and Federal Government support for the development of a plan to deliver the Principles and a stakeholder-led implementation process with a finalised full agreement within 12 months. The Tasmanian Premier has met with the Prime Minister and Environment Minister to discuss potential funding and governance models.

See: [www.premier.tas.gov.au/hot\\_topics/tasmanian\\_forest\\_industry\\_-\\_principles\\_of\\_agreement](http://www.premier.tas.gov.au/hot_topics/tasmanian_forest_industry_-_principles_of_agreement)

## ***Environment Minister rejects development proposal at Ralphs Bay***

The Federal Environment Minister formally refused to grant approval under the EPBC Act for the proposed canal estate development at Ralphs Bay on 29 October 2010 (see NELR 2010: 2&3). The development, which was refused by the Tasmanian government earlier this year, was referred to the Minister on the basis of its potential impacts on threatened species, migratory species and the nearby Ramsar wetland.

## **WESTERN AUSTRALIA**

***Ainsley Reid and Joe Freeman***

### ***Conservation Legislation Amendment Bill 2010***

The Conservation Legislation Amendment Bill 2010 (Bill) was introduced to the Legislative Council and read for a second time on 17 November 2010. The purpose of the Bill is to amend the *Conservation and Land Management Act 1984* (WA) (the CALM Act) and the *Wildlife Conservation Act 1950* (WA). Changes proposed by the Bill include replacement of the provisions for the voluntary land management agreements which presently do not enable joint management of lands by the Department of Environment and Conservation's chief executive

officer and other parties. The Bill will correct this deficiency and if enacted, will enable the joint management of land through joint management agreements. It will also recognise agreements already in place under the Burrup and Maitland Industrial Estates Agreement of 2003, the Ord final agreement of 2005 and the Yawuru agreement for Broome signed on 25 February 2010.

The Bill will also provide formal recognition of the importance of land and waters to the culture and heritage of Aboriginal people through a new management planning objective that will apply to