

Parliamentary Inquiry into the Environmental Effects Act

The Environment and Natural Resources Committee of the Victorian Legislative Council is inquiring into the operation of the environmental effects statement process (EIA process) under the Environmental Effects Act 1978. In particular the committee was asked to inquire into the following matters and report by 30 August 2010:

The environmental effects statement process in Victoria, including the operation of the Environment Effects Act 1978, and in particular-

- (a) any weaknesses in the current system including poor environmental outcomes, excessive costs and unnecessary delays encountered through the process and its mechanisms;
- (b) community and industry consultation under the Act;
- (c) the independence of environmental effects examination when government is the proponent; and
- (d) how better environmental outcomes can be achieved more quickly and predictably and with a reduction in unnecessary costs;

Submissions closed on 31 March 2010. Copies of submissions and further details are available on the Committee website at: http://www.parliament.vic.gov.au/enrc/inquiries/environmental_effects_statement/default.htm

Of particular interest is a submission by one of Victoria's top marine biologists Dr Matt Edmunds (Submission 29 titled Australian Marine Ecology), an experienced assessor of projects such as the Gunns pulp mill, dredging in Port Phillip Bay and the desalination plant, whose comments challenge the state government's claim that the Wonthaggi project was subject to thorough environmental approvals. See Peter Ker Water, Melbourne Age 20 April 2010, 'Desal Plant's Eco Approval 'Flawed'.

Note – an article by Samitha Rao of EDO Victoria on reform of the *Environmental Effects Act* is featured below in this issue of NELR.

Bushfires Royal Commission comes to an end

The 2009 Victorian Bushfires Royal Commission has finished its hearings into the causes and circumstances of the fires that devastated parts

of Victoria in January and February 2009, killing 173 people. The Commission was established on 16 February 2009, nine days after Black Saturday, and the hearings began on 20 April 2009. Since then, the three Commissioners, Chairman Bernard Teague AO, Ron McLeod AM and Susan Pascoe AM, have spent a total of 155 days hearing evidence from 434 witnesses, including 100 lay witnesses and two expert panels.

There were nine days of hearings in three regional centres and 83 separate hearings into all fire-related deaths. The Commission will now consider its findings and prepare its final report for delivery to the Governor of Victoria, Professor David de Kretser AC, by Saturday, 31 July.

Further details, including transcripts reports and submissions can be found at: <http://www.royalcommission.vic.gov.au/>.

Planning and Environment (Growth Areas Infrastructure Contribution) Bill 2009

The *Planning and Environment (Growth Areas Infrastructure Contribution) Bill 2009* was passed by the Victorian Parliament on 25 May 2010. The Bill was amended through the Dispute Resolutions process, and allows the Victorian Government to reintroduce the lapsed Planning Schemes Amendment VC55. This amendment expands Melbourne's Urban Growth Boundary, and puts in place Public Acquisition Overlays for the proposed 15,000 hectare native grasslands reserve, the Regional Rail Link and the Outer Metropolitan Ring / E6 Transport Corridor.

For more information see 'Delivering Melbourne's newest sustainable communities: Amendment VC67' at the Department of Community Planning and Development website: <http://www.dpcd.vic.gov.au/>.

Water Amendment (Victorian Environment Water Holder) Bill 2010

This Bill was introduced into Parliament on 25 May 2010 to establish an Environmental Water Holder as a new, independent, statutory body responsible for making decisions on environmental water use in Victoria. The EWH will be guided by its legislative requirements under the Water Act, rules developed

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by the environment minister and broader government policy set around environmental water management. Within these boundaries, the EWH will be free to make decisions on the use of environmental water to support our waterways and wetlands. It will be empowered to acquire and trade water, another tool to manage the risks of variable water availability. The Bill and second reading speech can be found on the Victorian legislation website at <http://www.legislation.vic.gov.au/>

Brown Mountain ‘potoroo’ case heard by Supreme Court.

The hearing of Environment East Gippsland’s application for an injunction and other relief against VicForests was concluded in the Victorian Supreme Court with final submissions to Justice Osborn on 23rd-25th March 2010. The 17 day trial started on the 1st March and judgment has been reserved. A summary of the final submissions can be found in NELR Cases below – for further details see the EEG website at: http://www.eastgippsland.net.au/?q=campaigns/brown_mountain

Irrigation upgrade to raise Murray River salinity

The authority delivering the billion-dollar upgrades to Victoria’s irrigation sector (the Northern Victoria Irrigation Renewal Project) has released documents that confirm the upgrades would reduce the amount of water that enters the Murray as excess water not diverted by farmers. The reduced outfalls will mean that less of a dilution effect occurs in the river, raising salinity. (Source: The Age, 9 February 2010).

Productivity Commission report criticizes irrigation project

According to a Research report ‘Market Mechanisms for Recovering Water in the Murray-Darling Basin’ released by the Productivity Commission on 31 March 2010, the Victorian government is “subsidising irrigation infrastructure projects that do not provide benefits additional to those accruing to irrigators . . . [it] is a poor use of taxpayer funds, relative to irrigation licence buybacks”. Available at: <http://www.pc.gov.au/projects/study/water-recovery/report>

University of Melbourne economist, Professor

John Freebairn recently stated: “The government could have bought water for the environment and Melbourne for a third of the cost. They then would have had more money to spend on potentially more productive projects in rural Victoria such as expanding tourism, better roads, better hospitals, better education.” (Source: The Age 28 March 2010. See also Kenneth Davidson of the Age on 5 April 2010 – ‘Water savings shown to be absurd mirage’.)

Report finds little progress in reducing coal reliance over past decade

New analysis released by Environment Victoria on Tuesday, 23 March 2010 shows that little progress has been made over the past decade in reducing Victoria’s reliance on polluting coal-fired electricity. The report ‘Victoria’s Energy Mix 2000-2009’ is the first to summarise Victoria’s electricity generation over the past decade. The analysis was commissioned by Environment Victoria and undertaken by energy consultants ‘Green Energy Trading’.

The analysis finds that in 2009 coal-fired generation provided 91.5% of the State’s electricity, slightly lower than the 93.3% coal provided in 2000. However the report finds that “in absolute terms, Victoria’s reliance on coal has increased over the past decade”, with both electricity generation and greenhouse pollution from coal increasing by over 9% since 2000. Source: Environment Victoria website at: <http://www.environmentvictoria.org.au/>

Green light for new brown-coal plant

The Melbourne Age reported on 14 April 2010 that a Chinese state-owned company China National Electric Equipment Corporation announced it had won a contract to build a long-delayed \$750 million station in the Latrobe Valley. The Chinese company stated it expected to sign a contract with Melbourne-based HRL on April 22 to build a demonstration plant that would use new technology to run on low-grade coal. (Source The Age 14 April 2010)

Landfill levies to rise sharply from 1 July 2010

From July 1, landfill levies in Victoria will jump to \$30 a tonne — up from \$9 for council waste and \$15 for industrial rubbish. By 2014-15, the cost will be \$53.20. It is estimated the average Melbourne

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ratepayer will be charged about \$15 extra a year to offset the cost to councils. Environment Minister Gavin Jennings said the increased landfill levies would boost recycling rates beyond 70 per cent and create up to 700 jobs. "For a long time the cost of sending valuable materials to landfill has been too low," he said. "Within the next decade across . . . Melbourne we will have one-third fewer landfills than today." (Source: Press Release Environment Minister Gavin Jennings on 24 March 2010, available at: <http://www.gavinjennings.org/pageGen.cgi?id=1233>)

New boss says EPA must take on more polluters

The Age reported on 19 April 2010 that new EPA chief executive John Merritt said the number of businesses being charged for environmental breaches did not reflect what was happening in the community. Mr Merritt is reported to have stated:

"We have lost some regulatory energy — 11 is not enough," he told The Age. "If you are telling me there are only 11 people out there who should be explaining themselves to a magistrate each year, on my early look that's a bit of a surprise."

Mr Merritt joined the EPA in February 2010. He is a former chief executive of WorkSafe Victoria. The EPA has also had a new Chairperson Cheryl Batagol, who brings to the role her experience with numerous government boards including Chair of Melbourne Water, Deputy Chair of Sustainability Victoria and a member of the Victorian Catchment Management Council and the Victorian Sustainability Fund Advisory Panel

Opposition wind-farm policy announced

Opposition Leader Ted Baillieu announced the Coalition's wind farm policy on 13 May 2010. Key features include:

- the placement of turbines no less than two kilometres from the nearest home unless a contract between the resident and wind farm developer is agreed;
- the reinstatement of local government as the planning authority for wind farm applications;
- the establishment of a shared payment system for landowners whose properties are within one kilometre of the nearest turbine, as a compensation mechanism for adjacent landholders;
- the establishment of 'no-go' zones for wind farms at places such as Wilson's Promontory, the Mornington and Bellarine Peninsulas, Surf Coast and Great Ocean Road regions, McHarg and Macedon Ranges, Dandenong and Yarra Ranges and sections of the Bass Coast;
- the exclusion of wind farms in or near National and State Parks, designated tourist areas and designated regional population growth corridors; and
- the public availability of all data on the energy output of wind farms.

See press release at <http://www.tedbaillieu.com.au/files/releases/100513.pdf>

[Clean Energy Council chief executive Matthew Warren said Mr Baillieu's standards would make it harder to put up a wind turbine in than to dig a coal mine.]