

NELR recent developments

for the collection and recycling of end-of-life television and computer products.²⁵

Radioactive waste management

On 22 February 2011 the National Radioactive Waste Management Bill 2010 (Cth) passed the House of Representatives. The Bill sets out to:

- repeal the *Commonwealth Radioactive Waste Management Act 2005* (Cth)
- ensure the safe and responsible management of radioactive waste arising from medical, industrial and research uses of radioactive material in Australia
- ensure that the Commonwealth has the power to make arrangements for the safe and secure management of radioactive waste generated, possessed or controlled by the Commonwealth
- allow persons to comment on the proposed approval of a nomination and declaration of a selected site if they have 'a right or interest in the subject land' (which is not available under the current Act).

²⁵ www.environment.gov.au/settlements/waste/ewaste/consultation/index.html

AUSTRALIAN CAPITAL TERRITORY

Embed sustainability in decision making – Hawke review

A recently released report into the ACT public service, *Governing the City State*,¹ recommends that sustainability be embedded within ACT government agency operations and decision making.

The review recommended creating a single public service with a number of directorates. A new Sustainable Development Directorate would include the current Department of the Environment, Climate Change, Energy and Water, ACT Planning and Land Authority, and currently fragmented functions in the land and planning sphere including the Government Architect, the Heritage Unit, and transport planning.

The review noted that ACT Government commitments to
¹ www.actpsreview.act.gov.au/home

The Government has noted that while the Bill establishes a new process for selection and creation of a facility for the management of radioactive waste, it will continue to honour the commitment made in 2007 to the Ngapa traditional owners in relation to a site on Ngapa clan land at Muckaty Station in the Northern Territory as the nominated site for the national facility.²⁶

Wild Rivers (Environmental Management) Bill

This Opposition/private member's bill provides that the development or use of Aboriginal land in a wild river area cannot be regulated under the *Wild Rivers Act 2005* (Qld) without the written agreement of the land owner. The Bill was introduced to the Senate on 10 February 2011 and referred to Senate Legal and Constitutional Affairs Legislation Committee on 24 March 2011. The report is due on 10 May 2011.

²⁶ parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy=priority,title;page=6;query=Dataset_Phrase%3A%22billhome%22%20ParliamentNumber%3A%2243%22;rec=12;resCount=Default, and H. Evans and M Cowan, 'The disposal of Australia's Radioactive Waste on Traditional Aboriginal Lands in the Northern Territory', (2010)1 National Environmental Law Review 26

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embed sustainability into agency operations and decision making were not being implemented in a coherent or strategic whole of government manner.

The report further highlighted that the integration of sustainability policy needs to go beyond the simple production of frameworks and strategies.

Feed-in-tariff scheme expanded

The ACT's feed-in-tariff scheme has recently been expanded to include medium scale electricity generators of up to 200 kW in capacity.

Since 2009 an ACT gross feed-in-scheme has paid a premium to household-scale renewable energy generators of up to 30kW. The Electricity Feed-in (Renewable Energy)

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Amendment Premium Act 2010² created a new class of 'medium renewable energy generator' when the Bill passed the ACT Parliament on 17 February 2010. The Act creates a cap of 15MW for small scale generators and 15MW for medium scale generators.

The Act will enable larger scale generators, including community group cooperatives, to take advantage of the scheme. Medium scale generators will be paid 75% of the premium paid to micro generators, although the Minister can amend this.

The Government has also announced that in mid-2011 it intends to open the scheme to large scale generators, over 200kW, with the provision of premium payments to be allocated through an auction process.

This expanded feed in scheme replaces the ACT Government's proposal to build a large scale solar plant.

National capital's heavy ecological footprint

A report commissioned by ACT Office of the Commissioner for Sustainability and the Environment has shown that the ecological footprint of the ACT is above the national average, more than 3 times the global average, and has increased 8% in the last 5 years. According to the study, an average Canberra resident requires more than 9ha of land to supply enough land and water to support their lifestyle.

Research attributes this to the city's wealth, overconsumption of goods, and lack of service consumption. The report was released in December 2010.³

2 www.legislation.act.gov.au/es/db_40360/default.asp

3 www.envcomm.act.gov.au/__data/assets/pdf_file/0015/211182/

NEW SOUTH WALES

Funding sustainable buildings: Local Government Amendment (Environmental Upgrade Agreements) Act 2010 (NSW)

by Martin Watts, Henry Davis York Lawyers

The *Local Government Amendment (Environmental Upgrade Agreements) Act 2010* (NSW) (the Act) aims to promote the funding of projects for the improvement of energy efficiency in commercial buildings and multi-residential strata complexes. A new Part 2A of the *Local Government Act 1993* (NSW) is intended to facilitate building owners

Licensing of energy assessors

Since 1994 the ACT has had an energy efficiency rating assessment scheme for residential buildings but energy assessors have not been required to be licensed. The *Construction Occupations (Licensing) Amendment Act 2010* and amendments to the *Building Act 2004* require residential energy assessors to be regulated and licensed. It also provides for certain disciplinary action and a complaints mechanism for consumers.⁴

The energy efficiency rating scheme assesses the thermal comfort of a house. A copy of the rating must be provided by persons selling a property in the ACT to the buyer. Where a person is leasing or advertising a rental property they must also disclose the energy efficiency rating of the house, but only where such a rating exists.

Time to Talk Canberra 2030

The final outcomes report from the ACT Government's *Time to Talk* consultation has been released.⁵ Environmental themes included a desire to see Canberra taking steps to lower Canberra's carbon emissions, reduce consumption and generally be more environmentally responsible, to integrate transport and land use, and adopt an open government approach in the future planning of the city.

ACT_Ecological_Footprint_08-09_final_report.pdf

4 www.legislation.act.gov.au/a/default.asp

5 www.canberra2030.org.au/outcomesreport/

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entering into borrowing arrangements for longer term projects, improving the energy efficiency of commercial buildings. The NSW Parliament passed the Act on 24 November 2010 and it commenced on 18 February 2011.

The Act allows local councils to enter into environmental upgrade agreements (EUAs) on a purely voluntary basis. These will often be tripartite agreements between the building owner, the financier, and the relevant local council. An EUA will provide for the undertaking of particular 'environmental upgrade works' to improve the energy, water or environmental efficiency or sustainability of the building. It will also provide the amount to be borrowed