

## FEDERAL

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### EPBC Act reform: Australian Government's response

On 24 August 2011, the *Australian Government Response to the Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999* was released.<sup>1</sup> This follows the October 2009 report by Dr Allan Hawke AC for the Federal Government that set out a comprehensive review of the Act.<sup>2</sup> The reforms set out in the Government's response include:

- a more proactive approach to protecting Australia's environment through strategic assessments and regional environmental plans
- identifying and protecting ecosystems of national significance through regional environment plans, strategic assessments or conservation agreements, to protect the most significant and healthy ecosystems before they are threatened or degraded
- a more cooperative approach to developing environmental standards by establishing a new National Centre for Cooperation on Environment and Development, bringing together industry, scientists, non-government organisations and governments to work together on environmental standards, guidelines and procedures
- a more streamlined assessment process to cut red tape for business and improve timeframes for decision making, including an option for decisions on proposals within 35 business days, if all required information is provided
- new national standards for accrediting environmental impact assessments and approvals to better align Commonwealth and state systems
- a new biodiversity policy (for consultation) to further protect ecosystems across the continent and guide future biodiversity planning and programs (see below)
- a single national list of threatened species and ecological communities to reduce inconsistencies amongst jurisdictions

- better regulation of international trade in wildlife by streamlining permits
- more transparent information about environmental assessments, including the publication of the Environment Department's recommendation reports
- better processes for heritage listing through a more transparent listing processes based on a single assessment list
- development of an environmental offsets policy to better explain to proponents and the community how offsets are assessed and what would be acceptable under specific proposals
- public consultation on an options paper about the possible introduction of cost recovery for specified activities under the Act to ensure adequate resourcing for the administration of the Act.<sup>3</sup>

The Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) has invited expressions of interest for the establishment of the National Centre for Cooperation on Environment and Development by 1 November 2011.<sup>4</sup>

### EPBC Act reform consultations: biodiversity and offsets

On 24 August 2011, DSEWPaC released for comment the *Consultation draft: Australian Government Biodiversity Policy—A healthy natural environment, now and always*.<sup>5</sup> It complements Australia's Biodiversity Conservation Strategy 2010–2030.

DSEWPaC also released the *Consultation draft: EPBC Act Environmental Offsets Policy* and an Environmental Offset Assessment Guide for public comment.<sup>6</sup> This outlines when offsets can be required, how they are determined and the framework under which they

<sup>3</sup> <http://www.environment.gov.au/Minister/burke/2011/mr20110824.html>

<sup>4</sup> <http://www.environment.gov.au/epbc/publications/epbc-reform-cnecd.html>

<sup>5</sup> <http://www.environment.gov.au/epbc/publications/pubs/consultation-draft-biodiversity-policy.pdf>

<sup>6</sup> <http://www.environment.gov.au/epbc/publications/pubs/consultation-draft-environmental-offsets-policy.pdf>

<sup>1</sup> <http://www.environment.gov.au/epbc/publications/pubs/epbc-review-govt-response.pdf>

<sup>2</sup> <http://www.environment.gov.au/epbc/review/publications/pubs/final-report.pdf>

operate.

Submissions were invited on both documents until 21 October 2011.

## EPBC Act: bioregional planning amendments

The Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 (Cth) was debated in the Senate on 16 and 26 June 2011. The Senate Environment and Communications Legislation Committee tabled its final report on 26 June 2011.<sup>7</sup> The Bill proposes to amend the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) to provide that bioregional plans are disallowable instruments subject to the *Legislative Instruments Act 2003* (Cth).

## Draft north and north-west marine plans released

In August 2011, the Government released draft marine bioregional plans and proposed marine reserves networks aimed at protecting Australia's north and north-west marine environment. Environment Minister the Hon Tony Burke MP outlined the draft north and north-west bioregional plans and proposed Marine Reserves Networks that will be open for community feedback before the plans and proposals are finalised.<sup>8</sup>

## Independent's proposed EPBC Act amendments

On 12 September 2011, Parliamentary Independent Tony Windsor MP introduced the Environment Protection and Biodiversity Conservation Amendment (Mining, Petroleum and Water Resources) Bill 2011 (Cth) into the House of Representatives. The Bill would insert new Subdivision FB (Protection of water resources from mining operations) into Division 1 (Requirements relating to matters of national environmental significance) under Part 3 (Requirements for environmental approvals).<sup>9</sup>

## Clean Energy Agreement

In July 2011 the Multi-Party Climate Change Committee's

<sup>7</sup> [http://www.aph.gov.au/senate/committee/ec\\_ctte/bioregional\\_plans/report/report.pdf](http://www.aph.gov.au/senate/committee/ec_ctte/bioregional_plans/report/report.pdf)

<sup>8</sup> <http://www.environment.gov.au/Minister/burke/2011/mr20110823.html>

<sup>9</sup> <http://www.aph.gov.au/index.htm>

Clean Energy Agreement for implementing a carbon price was released. It included an agreed package of measures that the Committee considered would enable Australia to meet its emissions reduction targets in an environmentally and economically efficient way. A copy of the agreement can be found on the website of the Department of Climate Change and Energy Efficiency.<sup>10</sup>

## Clean energy plan

In July 2011, the Government released its *Securing a Clean Energy Future Plan*<sup>11</sup> and exposure draft legislation.<sup>12</sup> Following a brief consultation period, 18 bills were introduced into the House of Representatives in September. These bills have now been passed by both houses.<sup>13</sup> The objectives of the package include:

- to give effect to Australia's obligations under the United Nations Framework Convention on Climate Change (UNFCCC) and Kyoto Protocol
- to support the development of an effective global response to climate change
- to take action towards meeting Australia's long-term target of reducing Australia's greenhouse gas emissions to below 80% below 2000 levels by 2020
- putting a price on greenhouse gas emissions in order to encourage investment in clean energy and reduce pollution.

The Clean Energy Plan incorporates a range of mechanisms and initiatives to achieve these objectives. Chief amongst these are:

- the introduction of a carbon price
- an increase in the fuel tax for most fuel users to an amount that is equivalent to the carbon price. This will not apply to residential fuel users and fuel use associated with agriculture, forestry and fisheries
- promoting renewable energy through the Clean Energy Finance Corporation (which will receive

<sup>10</sup> <http://www.climatechange.gov.au/government/initiatives/multi-party-committee.aspx>

<sup>11</sup> <http://www.pm.gov.au/press-office/securing-clean-energy-future-australia> and <http://www.cleanenergyfuture.gov.au/clean-energy-future/securing-a-clean-energy-future/>

<sup>12</sup> <http://www.climatechange.gov.au/Minister/greg-combet/2011/media-releases/July/mr20110728.aspx>

<sup>13</sup> <http://www.climatechange.gov.au/Minister/greg-combet/2011/media-releases/September/mr20110913A.aspx>

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\$10b in Government funding) and the Australian Renewable Energy Agency (see below)

- encouraging energy efficiency
- creating opportunities to cut pollution in the land sector.

Of these measures, the introduction of a carbon price is arguably of greatest importance. The carbon pricing mechanism, which will be administered by the newly created Clean Energy Regulator, will be based on the allocation and surrender of permits, with each permit representing one tonne of greenhouse gas emissions. Liable businesses will either purchase, or be allocated, permits, which they will be required to surrender to fulfil their emissions obligations.

The carbon price will be introduced in two stages, and will apply across a range of sectors, including mining, electricity generation, stationary energy, non-legacy waste and industrial processes. The first stage, 1 July 2012–30 June 2015, will require affected businesses to purchase a fixed price permit and surrender it for each tonne of CO<sub>2</sub> equivalence that they emit directly through their operations. There will be an unlimited number of these permits available during this initial stage of the scheme. The fixed price will commence at \$23 in 2012–13, and then increase to \$24.15 in 2013–14, and to \$25.40 in 2014–15. No international units will be able to be used to meet an entity's liability during this period, but 5% of an entity's liability will be able to be met using credits created under the Carbon Farming Initiative (or 50% if the liable entity carries on a land fill business (see below).

From 1 July 2015, the carbon pricing mechanism will transition into an emissions trading scheme. During this period, the market will set the price of permits in response to the pollution caps imposed by Government (which will act on the advice of the Climate Change Authority). During this period, a liable entity will be able to meet up to 50% of its liability by surrendering compliant international carbon permits. In addition, the restriction on the use of credits generated under the Carbon Farming Initiative will be removed.

Because the carbon pricing mechanism is designed to impose additional costs on producers and consumers of emissions-intensive goods and services, a number of transitional measures have been proposed to minimise

the cost of the scheme. Chief among these are:

- the \$9.2b Jobs and Competitiveness Program, which is designed to provide assistance to emissions-intensive, trade-exposed industries, as per the exposure draft Clean Energy Regulations 2011<sup>14</sup>
- the \$5.5b Energy Security Fund is designed to provide assistance to highly emissions-intensive coal-fired generators in the form of free carbon units, cash payments or, in particular circumstances, cash incentives to close around 2000 megawatts of very highly emissions-intensive coal-fired generation capacity by 2020: exposure draft Clean Energy Regulations 2011<sup>15</sup>
- the \$1.3b Coal Sector Jobs Package of assistance over six years to the most emissions-intensive coal mines
- the \$300m Steel Transformation Plan providing assistance over five years to encourage investment and innovation in the Australian steel manufacturing industry to reduce the exposure of this sector to the carbon pricing mechanism
- an \$8b tax reform package, including \$7b of tax cuts to shield low-to-middle income earners from the increase in the cost of living caused by the carbon pricing mechanism.

## Climate change adaptation inquiry

The Productivity Commission is inquiring into the regulatory and policy settings that would enable effective climate change adaptation and it will examine the costs and benefits of options to remove barriers to adaptation.<sup>16</sup> The Productivity Commission will hold public hearings and release a draft report for public comment before delivering a final report to Government by September 2012.<sup>17</sup>

## Coastal assets and climate change

14 <http://www.climatechange.gov.au/Minister/greg-combet/2011/media-releases/September/mr20110921.aspx>.

15 <http://www.climatechange.gov.au/Minister/greg-combet/2011/media-releases/September/mr20110921.aspx>.

16 <http://www.climatechange.gov.au/~media/Files/Minister/combet/2011/media/september/mr20110920.pdf>.

17 <http://www.climatechange.gov.au/en/Minister/greg-combet/2011/media-releases/September/mr20110920.aspx>.

The Climate Change Risks to Coastal Buildings and Infrastructure report released on 5 June 2011 identifies more than \$226b of assets in coastal areas that are potentially at risk from climate change. This includes commercial and light industrial infrastructure and road and rail systems, based on a high-end scenario of a sea level rise of 1.1 metres by 2100.<sup>18</sup>

In June and July 2011 research grants were announced under the *National Climate Change Adaptation Research Grants* program (NCCARF),<sup>19</sup> the *Coastal Adaptation Decisions Pathways* program,<sup>20</sup> and other projects to be managed by the National Climate Change Adaptation Research Facility.<sup>21</sup>

## Release of climate change fact sheets

The federal government has released a series of fact sheets to illustrate that Australia is not acting alone or ahead of other countries in acting on climate change. Australia is one of the world's top 20 polluters and releases more pollution per person than any other country in the developed world.<sup>22</sup> The Government also released a series of fact sheets emphasising the impacts of climate change in Australia and the environmental and economic costs from climate change impacts, including on coastal communities, natural environments, water security, human health, and agriculture. Fact sheets for each of the states and territories were also released.<sup>23</sup>

## Quarterly update: national greenhouse gas emissions

In August 2011, the Government released Australia's national greenhouse gas emissions for the March quarter 2011. The update does not include emissions from the land use, land use change and forestry (LULUCF) activities under article 3.3 of the Kyoto Protocol.

According to the report, emissions for the 12 months

18 <http://www.climatechange.gov.au/publications/coastline/climate-change-risks-to-coastal.aspx>.

19 <http://www.climatechange.gov.au/Minister/greg-combet/2011/media-releases/June/mr20110618.aspx>

20 <http://www.climatechange.gov.au/government/initiatives/australias-coasts-and-climate-change/adapting/coastal-adaptation-decision-pathways/projects.aspx>.

21 <http://www.climatechange.gov.au/Minister/greg-combet/2011/media-releases/July/mr20110706.aspx>.

22 <http://www.climatechange.gov.au/government/international/global-action-facts-and-fiction.aspx>.

23 <http://www.climatechange.gov.au/climate-change/impacts/national-impacts.aspx>.

to March 2011 were 0.6% lower than the previous 12 months, reflecting in particular a decrease in black coal generation and an increase in generation from natural gas and hydroelectricity sources.<sup>24</sup> Trend emissions for the March quarter, which account for seasonal factors, rose 0.5%, mainly as a result of electricity generation fuel switching back from hydro electricity to black coal – a reversal of the previous quarter's temporary trend.<sup>25</sup>

## Report on energy efficiency opportunities

The Energy Efficiency Opportunities (EEO) Program 2010 report released in June 2011 considers the results of the EEO program from 2006–2010 based on public reports of assessments undertaken by EEO participants. The EEO legislation requires corporations that use more than 0.5 petajoules (PJ) of energy per year to undertake assessments of their energy use to identify cost effective energy efficiency opportunities. According to the report,<sup>26</sup> participants identified opportunities to save 141.9 PJ of energy per year (9.8% of their assessed energy use) or 2.5% of Australia's total energy use. The report notes that this is an increase of 25% on the energy savings identified by December 2009.

## Passage of the carbon farming initiative

The Carbon Credits (Carbon Farming Initiative) Act 2011 received royal assent on 15 September 2011. The bill was passed by Parliament on 23 August 2011 with 19 amendments, including:

- a deeming provision that states that registered native title holders hold an eligible interest in the native title land
- amendment to the matters for consideration by the Minister in recommending projects to be added to the negative list. The test is now whether there is a material risk, rather than a significant risk, of material adverse impacts. The Minister must now also consider the effect on land access for agricultural production.

In July 2011, a consultation paper was released on the

24 <http://www.climatechange.gov.au/~media/publications/greenhouse-acctg/national-greenhouse-inventory-march2011.pdf>; 3.

25 Ibid.

26 <http://www.ret.gov.au/ENERGY/EFFICIENCY/EEO/Pages/default.aspx>



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proposed approach to developing the positive and negative lists under the Carbon Farming Initiative, and in August draft regulations for giving effect to the positive and negative lists in the Carbon Credits (Carbon Farming Initiative) Regulations 2011 (Cth) were released.<sup>27</sup> Commentary on the exposure draft regulations was also released. Public consultation on the draft regulations closed on 16 September 2011.

## Consultation on mandatory disclosure of residential energy efficiency

As part of the National Strategy on Energy Efficiency (measure: 3.3.2), the Council of Australian Governments agreed in July 2009 to phase-in mandatory disclosure of residential building energy, greenhouse and water performance at the time of sale or lease, commencing with energy efficiency. A Consultation Regulation Impact Statement (RIS) has been released for comment. This considers six options:

- full thermal performance simulation based on detailed building information
- simplified thermal assessment
- online self-assessment
- check list assessment – with disclosure of simple rating at point of advertisement
- voluntary uptake and
- mandatory rating with an opt-out feature (with homes rated at zero where opt-out is taken).

Comment was sought on the Consultation RIS particularly in relation to the regulatory options proposed; the assumptions; and the estimates of costs and benefits. Public consultation was open until 12 September 2011.

## Consultation on mandatory appliance energy performance standards and reporting

In July 2009, the Council of Australian Governments signed the National Partnership Agreement on Energy Efficiency and released the National Strategy on Energy Efficiency. Measure 2.2.2 of the NSEE is to develop, subject to a regulatory impact analysis, national legislation for appliance energy performance standards and energy labelling (and over time, greenhouse and

energy minimum standards). Australian Governments have worked cooperatively to develop the draft Greenhouse and Energy Minimum Standards Bill 2011 (GEMS Bill) as part of coordinated national energy efficiency action.

An industry consultation paper was released<sup>28</sup> and the GEMS Bill is to be introduced into Parliament before the end of 2011, for commencement in mid-2012. Written submissions regarding the draft Bill were invited until 18 August 2011.

Australia's existing Equipment Energy Efficiency (E3) program places standards and labelling requirements on a range of appliances and equipment types. The objectives of the new legislation include streamlining administrative and compliance arrangements, improving national consistency, and allowing for the coverage of a wider range of products and equipment types.

Some of the main changes being proposed to the E3 program include:

- a national regulator will take responsibility for all registration, compliance and enforcement activity
- GEMS legislation will facilitate the expansion of the program into new product areas
- a broader definition of sale and supply
- new obligations surrounding commercial use of regulated products (where there has been no supply in Australia)
- a requirement for corporate registrants to provide annual data on sales and imports
- new enforcement measures (e.g. infringement notices, suspensions, injunctions, civil penalties, publication of contraventions)
- a statutory notice period for industry upon the introduction of new or revised requirements
- a two-year grandfathering period for products manufactured or imported prior to the commencement of a new or revised requirement.<sup>29</sup>

<sup>28</sup> <http://www.climatechange.gov.au/government/submissions/~media/submissions/gems/industry-exposure-draft-of-bill-consultation-paper-pdf.pdf>

<sup>29</sup> Consultation Paper, *ibid*, page 5.

## Investment in solar power stations

In June 2011, the Government announced that it would help build two of the largest solar power stations in the world. Solar Dawn and Moree Solar Farm have been selected as the two successful consortiums to build the power plants under Round 1 of the Australian Government's \$1.5b Solar Flagships program. Work will commence next year, and the plants are expected to be completed and commissioned by the end of 2015. \$464m will be contributed to the \$1.2b Chinchilla project, and \$306.5m towards the \$932m Moree project. Together, the projects are expected to generate enough power to support the electricity needs of more than 115 000 Australian homes per year. The Solar Dawn consortium, led by Areva Solar, will build a 250 megawatt (MW) solar thermal gas hybrid power plant near Chinchilla. The Moree Solar Farm consortium, led by BP Solar will build a 150 MW photovoltaic power plant near Moree. This is reported to be nearly twice the size of any photovoltaic power plant operating in the world today.<sup>30</sup>

## New renewable energy agency

On 8 July 2011, the Government announced that it would establish a new agency, the \$3.2b Australian Renewable Energy Agency (ARENA) to consolidate support for renewable energy technology development as part of its package of measures for Australia's clean energy future. This measure was given legislative affect on 9 November 2011. ARENA will bring together in one independent statutory agency within the Resources, Energy and Tourism portfolio a range of initiatives previously administered separately through a range of bodies, including the Australian Centre for Renewable Energy and the Australian Solar Institute. Around \$1.7b in uncommitted funding from the range of consolidated programs will be available for the ARENA Board to direct investment in new renewable energy projects between now and 2020.<sup>31</sup>

## Emerging renewable energy program

On 8 August 2011, the Government opened its

<sup>30</sup> <http://www.pm.gov.au/press-office/green-light-build-australias-largest-solar-projects>.

<sup>31</sup> <http://Minister.ret.gov.au/MediaCentre/MediaReleases/Pages/RenewableEnergyEntersaNewArena.aspx>.

*Emerging Renewables* program to applications from emerging renewable energy technology projects such as geothermal, solar and ocean. The *Emerging Renewables* program aims to reduce the cost of new technologies, improve skills across the renewable energy industry and leverage finance from the private sector as well as state and territory governments.<sup>32</sup> Total program funding is \$126m. The program will be administered by ARENA once the agency has been established.

## Solar schools

On 1 August 2011, the Government announced \$25m in grants for schools under the National Solar Schools Program. Grants of up to \$50 000 will be awarded to eligible primary and secondary schools to install solar and other renewable power systems, rainwater tanks and a range of energy efficiency measures.<sup>33</sup>

## Launch of synthetic fuels facility

In June 2011, the Government announced the launch of the \$5m Synfuel and Catalysis Research Facility (Syncat), Australia's first synthetic fuels facility, in Perth. The facility is a public private partnership housed at the Australian Resources Research Centre in Western Australia's Technology Park.<sup>34</sup>

## Carbon capture and storage site announced

In June 2011, the Australian Government announced that it had selected the Collie South West Hub project for funding under the \$1.68b Carbon Capture and Storage Flagships Program. The Commonwealth will provide up to \$52m in funding for the first development phase of the project development and a detailed storage viability study. The total capital cost of the Collie South West Hub CCS project is forecast at around \$1b.<sup>35</sup>

## Energy security report

In June 2011, Geoscience Australia released a report

<sup>32</sup> <http://Minister.ret.gov.au/MediaCentre/MediaReleases/Pages/emergingrenewablesprog.aspx>.

<sup>33</sup> <http://www.climatechange.gov.au/Minister/mark-dreyfus/2011/media-release/August/mr20110801a.aspx>.

<sup>34</sup> <http://Minister.ret.gov.au/MediaCentre/MediaReleases/Pages/LaunchofAustralia%E2%80%99sFirstSyntheticFuelsFacility.aspx>.

<sup>35</sup> <http://Minister.ret.gov.au/MediaCentre/MediaReleases/Pages/Multi-MillionDollarCleanEnergyInvestmentforWA.aspx>.

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*Toward Future Energy Discovery.* The report details the achievements of the Government's five-year, \$134m Energy Security Initiative. That initiative was established to attract investment in offshore and onshore energy exploration and involved the selection of frontier regions for pre-competitive data acquisition and investigation.<sup>36</sup>

## New board appointments: Low Carbon Australia

Low Carbon Australia was formerly known as The Australian Carbon Trust. Low Carbon Australia was established to work with business to understand and overcome the barriers that businesses face when seeking to improve energy efficiency and reduce their emissions, and to help business and consumers to identify goods and services which are carbon neutral.

On 8 June 2011, the Government announced the appointment of Ms Tanya Cox and Ms Linda Nicholls to the Board of Directors of Low Carbon Australia Limited.<sup>37</sup>

## Product Stewardship Bill 2011 (Act)

The Product Stewardship Bill 2011 (Act) received assent on 25 July 2011.<sup>38</sup> The framework is an outcome of the *National Waste Policy: Less Waste, More Resources* agreed to by the Council of Australian Governments in 2010.

The framework includes voluntary, co-regulatory and mandatory product stewardship for manufacturers, importers, distributors and others in order to:

- avoid generating waste from products
- reduce or eliminate the amount of waste from products to be disposed of
- reduce or eliminate hazardous substances in products and waste from products
- manage waste from products as a resource
- ensure that products and waste from products is treated, disposed of, recovered, recycled and reused in a safe, scientific and environmentally sound way.<sup>39</sup>

36 [https://www.ga.gov.au/image\\_cache/GA19729.pdf](https://www.ga.gov.au/image_cache/GA19729.pdf).

37 <http://www.climatechange.gov.au/Minister/mark-dreyfus/2011/media-release/June/mr20110608a.aspx>.

38 <http://www.environment.gov.au/settlements/waste/product-stewardship/index.html>.

39 Revised Explanatory Memorandum, 2011, p 3.

Future regulations will determine the products and persons to which the obligations will apply. It has been announced that televisions and computers will be the first products regulated under the product stewardship framework with a national, industry-led television and computer-recycling scheme expected to be phased in from the end of 2011.<sup>40</sup>

## Breach of water efficiency and labelling laws

Companies from the Australian Capital Territory, Queensland and Victoria have breached the *Water Efficiency Labelling and Standards Act 2005 (Cth)* (WELS Act). A timber and hardware supplies company in Queensland and a spa supplies company in Victoria were both found to be supplying products not registered and labelled as required under the WELS Act. A bathroom supplies company in Canberra was found to be supplying products not labelled as required under the WELS Act. All three companies had provided an enforceable undertaking to the regulator. Under the agreement, the companies would:

- improve business practices to ensure that all products subject to the Water Efficiency Labelling and Standards (WELS) scheme are supplied in accordance with the legislation
- implement a record system for WELS products
- deliver a compliance training program to staff
- undertake a range of internal product auditing and related reporting measures
- be subject to independent product auditing at their cost, to both assist and ensure future compliance.<sup>41</sup>

## Murray-Darling Basin inquiry report

On 2 June 2011, the House of Representatives Standing Committee on Regional Australia tabled its report on the inquiry into the impact of the Murray-Darling Basin Plan in regional Australia. The report, *Of Drought and Flooding Rains*, makes 21 recommendations.<sup>42</sup>

40 <http://www.environment.gov.au/Minister/farrell/2011/pubs/mr20110615.pdf>.

41 <http://www.environment.gov.au/about/media/dept-mr/dept-mr20110808.html>

42 <http://www.aph.gov.au/house/committee/ra/murraydarling/report.htm>.

## Protection of the sea amendments

The Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oil Transfers) Act 2011 (Cth) received assent on 4 August 2011. The Act amends the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cth).

## CITES: possession of illegal wildlife

In June 2011, a Bathurst resident received a conviction and a \$2 500 fine after pleading guilty to three charges of possessing illegally imported wildlife.<sup>43</sup>

In August 2011, the Government announced that Operation BONAPARTE had resulted in one of the

<sup>43</sup> <http://www.environment.gov.au/about/media/dept-mr/dept-mr20110607.html>.

largest wildlife seizures in Australia, with close to 400 alleged illegal wildlife products seized.<sup>44</sup>

## Wild Rivers (Environmental Management) Bill 2011 (Cth)

On 12 September 2012, the leader of the Opposition, the Hon Tony Abbott MP, introduced the Wild Rivers (Environmental Management) Bill 2011 (Cth) into the House of Representatives. This Bill proposes to protect the interests of Aboriginal people in the management, development, and use of native title land situated in wild river areas, and for related purposes.<sup>45</sup>

<sup>44</sup> <http://www.environment.gov.au/about/media/dept-mr/dept-mr20110811.html>.

<sup>45</sup> [http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy=priority,title;page=21;query=Dataset\\_Phrase%3A%22billhome%22%20ParliamentNumber%3A%2243%22;rec=9;resCount=Default](http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy=priority,title;page=21;query=Dataset_Phrase%3A%22billhome%22%20ParliamentNumber%3A%2243%22;rec=9;resCount=Default).

## AUSTRALIAN CAPITAL TERRITORY

### Investigators to assess chemical fire response and consequences

Various independent investigations in the ACT will address issues arising from a major fire in mid-September 2011 at a hazardous chemical processing facility in the ACT. The private facility processes waste transformer oil to remove Polychlorinated Biphenyls (PCBs), so that the oil can be re-used. The fire required some evacuations and the issuance (not very successfully) of emergency alerts across a 10km radius. The facility is located in a General Industry Zone close to commercial and residential areas.

An independent toxicologist with experience in environmental contaminants including PCBs and dioxins is to review the government's chemical contamination testing results and provide advice to on a long-term monitoring regime and testing for dioxins. At the time of the fire, ACT Fire Brigade tests for carbon monoxide, hydrogen sulphide, phosgene and up to 300 other volatile organic compounds confirmed no immediate health risks for fire fighters or residents. The ACT Environment Protection Authority is to review the exercise of its statutory powers and responsibilities. WorkSafe ACT is to investigate the incident and assess compliance issues in relation to signage, the firm's manifest, its registration

## Kirsten Miller

etc. The ACT Police and ACT Fire Brigade are to prepare a joint report for the Coroner on the fire.

### ACT feed-in tariff reaches its cap

The cap on the amount of small and medium scale renewable energy generators who could take advantage of the ACT's gross feed in scheme has been reached. Consequently the feed in tariff scheme is no longer available in the ACT.

Under the *Electricity Feed-in (Renewable Energy Premium) Amendment Act 2011* (ACT), a cap of 15 MW was introduced on micro renewable energy generators, that is systems up to 30kW, and 15 MW on medium scale generators, that is systems between 30kW and 200kW. The legislation was passed in February 2011 and shortly after the cap was introduced it was reached for micro generators, two years earlier than predicted.

In response, the ACT Greens, with the support of the ACT Liberals, passed the *Electricity Feed-in (Renewable Energy Premium) Amendment Act 2011 (No 2)*, to extend the cap. The amendments allowed micro generators to access the medium-scale feed in tariff at a reduced rate of 31.16¢kWh until the scheme reached a new combined cap of 30MW for small scale and