

## 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

**Kirsten Miller**

### 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

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

# NELR recent developments

medium scale generators. This scheme took effect from 12 July 2011. However this cap was also reached the following day.

## Lake Burley-Griffin water quality investigation

Following a direction to the ACT Commissioner for Sustainability and the Environment to investigate the state of the watercourses and catchment for Lake Burley Griffin, a reference group consisting of members with expertise in areas such as urban water management, hydrology, ecology, recreation, communication and consultation has been appointed to assist the Commissioner.

The Commissioner is to investigate the state of the water courses and catchments for Lake Burley Griffin including:

- possible improvements for managing water quality and the appropriateness of the current protocols for lake closures
- identifying the causes of lower water quality, including possible resource implications of addressing them
- jurisdictional implications for water quality management of the lake
- the implication of these findings for the ACT's other major recreational waterways, such as Lake Ginninderra and Lake Tuggeranong.

The investigation follows concerns about contamination in the lake and discharge of highly treated effluent into the lake from the Queanbeyan Sewerage Plant, which discharges into the Molonglo River.

## Environmental authorisations and environmental protection agreements online

Environmental authorisations and environmental protection agreements which are issued by the ACT Environment Protection Authority under the *Environment Protection Act 1997* (ACT) are now available online.

Under the Act a person is prohibited from carrying out Class A activities which involve a significant risk of environmental harm without an environmental authorisation issued by the Environment Protection Authority. Such activities, prescribed in Schedule 1, include the commercial use of certain chemical products, transport of hazardous waste, the conduct of motor racing events and the operation of sewage treatment plants, amongst others.

Class B activities, also listed in Schedule 1, are less harmful, and are the subject of environmental protection agreements between the Environment Protection Authority and the persons conducting those activities. These agreements are formal, written documents and may for example involve a company agreeing to adhere to an industry standard or code of practice. Class B activities include forestry activities, certain major land development or construction activities, and the commercial collection of waste from commercial premises.

Previously environmental authorisations and environment protection agreements were available to the public on request, but were not readily accessible online.