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Editorial: Federal Developments

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Clean Energy Agreement of the MPCCC

On 10 July 2011, details of the Multi-Party Climate Change Committee's Clean Energy Agreement for implementing a carbon price were released. This 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.¹

Clean Energy Scheme

On 10 July 2011, the Federal Government released details of its climate change plan. The plan is set out in the report titled *Securing a Clean Energy Future Plan* (the **Clean Energy Plan**).² The announcement of the Clean Energy Plan was followed on 28 July 2011 by the release of exposure draft bills reflecting the Clean Energy Plan.³ Following a short period of consultation, on 13 September 2011 the Government introduced 18 bills forming the Clean Energy Future legislative package into the House of Representatives.⁴ The House of Representatives is scheduled to vote on the legislative package on 12 October 2011 before the Senate, which will sit for an extra week this year, debates them in early November.

The principle objectives of the Government's Clean Energy Future legislative package are:

- to give effect to Australia's obligations under the UNFCCC and the and the 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; and
- to put a price on greenhouse gas emissions in order to encourage investment in clean energy and to reduce pollution.

To do so, the Clean Energy Plan incorporates a range of mechanisms and initiatives. Chief amongst these are:

- the introduction of a carbon price;

¹ <http://www.climatechange.gov.au/government/initiatives/multi-party-committee.aspx>.

² <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/>.

³ <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/July/mr20110728.aspx>.

⁴ <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/September/mr20110913A.aspx>.

- 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 domestic fuel users and fuel use associated with agricultural, forestry and fishery activities;
- promoting renewable energy. This support will be provided through the Clean Energy Finance Corporation (which will receive \$10 billion in Government funding) and the Australian Renewable Energy Agency (see below).
- encouraging energy efficiency; and
- creating opportunities to cut pollution in the land sector.

Of these four 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 fulfill their emissions obligations.

The carbon price will be introduced in two stages and will apply to a range of business, including those operating in the mining, electricity generation, stationary energy, non-legacy waste and industrial processes sectors.

It is proposed that the first stage of the carbon pricing mechanism will commence on 1 July 2012 and will end on 30 June 2015. During this stage, businesses covered by the carbon pricing mechanism will be required to purchase a permit, at a fixed price of \$23, and surrender it for each tonne of carbon dioxide equivalence that they emit directly through their operations. There will be an unlimited number of permits available during this stage at the fixed price, which will commence at \$23 in 2012-13 and then increase to \$24.15 in 2013-14 and then to \$25.40 in 2014-15. During the fixed price period, no international units will be able to be used to meet an entity's liability. However, five per cent of an entity's liability will be able to be met using the credits created under the Carbon Farming Initiative (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 newly created Climate Change Authority). During this period, a liable entity will be able to meet up to 50 per cent 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 transitional measures are:

- the Jobs and Competitiveness Program. This program, which is valued at \$9.2 billion, is designed to provide assistance to emissions-intensive, trade-exposed industries. Details of this program are set out in the Clean Energy Regulations 2011 that were released in exposure

draft form on 21 September 2011.⁵ Written submissions regarding the exposure draft regulations are invited until 28 October 2011.

- the Energy Security Fund. This program 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 2,000 megawatts of very highly emissions-intensive coal-fired generation capacity by 2020. The Government has valued this program at \$5.5 billion. Details of this program are set out in the Clean Energy Regulations 2011 that were released in exposure draft form on 21 September 2011.⁶ Written submissions regarding the exposure draft regulations are invited until 13 October 2011.
- the Coal Sector Jobs Package. This package will provide assistance over six years to the most emissions-intensive coal mines. The Government has allocated \$1.3 billion to this program.
- the Steel Transformation Plan. This package will provide assistance worth up to \$300 million over five years to encourage investment and innovation in the Australian steel manufacturing industry in order for businesses in this sector to reduce its exposure to the carbon pricing mechanism.
- Household Assistance. Through this program, the Government has proposed to assist households through an \$8 billion tax reform package, including \$7 billion of tax cuts. The purpose of these tax cuts is to shield low-to-middle income earners from the increase in the cost of living that will be caused by the carbon pricing mechanism.

Climate Change Adaptation Inquiry

On 20 September 2011, the Government announced an inquiry by the Productivity Commission into the regulation and policy settings that would enable effective climate change adaptation. The Minister for Climate Change and Energy Efficiency, Greg Combet, and the Assistant Treasurer, Bill Shorten, said the inquiry would review regulations and policies that may be barriers to effectively adapting to the impacts of climate change and examine the costs and benefits of options to remove those barriers. The Productivity Commission will hold public hearings and release a draft report for public comment, before delivering a final report to the Government within 12 months.⁷

The Terms of Reference for the inquiry can be found on the website of the Department of Climate Change and Energy Efficiency.⁸

⁵ <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/September/mr20110921.aspx>.

⁶ <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/September/mr20110921.aspx>.

⁷ <http://www.climatechange.gov.au/en/minister/greg-combet/2011/media-releases/September/mr20110920.aspx>.

⁸ <http://www.climatechange.gov.au/~media/Files/minister/combet/2011/media/september/mr20110920.pdf>.

Coastal Assets and Climate Change

On 5 June 2011, the Government released a report titled, *Climate Change Risks to Coastal Buildings and Infrastructure*. The report identifies more than \$226 billion of assets in coastal areas nationally that are potentially at risk from climate change. This includes commercial and light industrial infrastructure, and road and rail systems in Australia's coastal areas based on a sea level rise of 1.1 meters representing a high-end scenario for 2100.⁹

Release of Climate Change Fact Sheets

On 14 June 2011, the Government released a series of fact sheets to illustrate that Australia is not acting alone or ahead of other countries when it comes to action on climate change. Factsheets included Climate Change: Countries Acting Now; International Pledges on Climate Change Action: The Future; Australia: Part of the Climate Problem - Part of the Solution; and a summary of emissions trading initiatives in other countries.

The factsheets emphasise that Australia is one of the world's top 20 polluters and that we release more pollution per person than any other country in the developed world.¹⁰

At the same time, the Government 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. Individual fact sheets were released for each of the States and Territories.¹¹

National Adaptation Research Funding: Building Community Resilience

On 20 June 2011, the Government announced \$4.2 million worth of grants for priority research to assist Australian communities prepare for climate change. The research projects funded under the *National Climate Change Adaptation Research Grants* program (NCCARF) will explore adaptation measures to prepare and protect settlements and infrastructure, primary industries and terrestrial biodiversity from the unavoidable impacts of climate change.

Funding was announced for 17 research projects examining climate change impacts and exploring practical adaptation options to support communities across Australia.¹²

On 21 June 2011, the Government announced an investment of \$4.5 million to help demonstrate how coastal communities can adapt to the unavoidable impacts of climate change through the *Coastal Adaptation Decisions Pathways* program. The investment is intended to support partnerships with local governments, infrastructure operators and major utilities to explore how

⁹ <http://www.climatechange.gov.au/publications/coastline/climate-change-risks-to-coastal.aspx>.

¹⁰ <http://www.climatechange.gov.au/government/international/global-action-facts-and-fiction.aspx>.

¹¹ <http://www.climatechange.gov.au/climate-change/impacts/national-impacts.aspx>.

¹² <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/June/mr20110618.aspx>

planning and investment decisions need to recognise the increasing impacts of climate change over time, particularly for long-lived assets. The 13 successful projects were:¹³

- *Rising to the challenge: Developing flexible coastal adaptation pathways for local communities*, Local Government Association of Tasmania.
- *Choosing a preferred pathway for Port Phillip Bay*, Municipal Association of Victoria.
- *A value and equity framework for climate adaptation: Caravan and camping parks case study*, Western Coastal Board (Victoria).
- *Climate change adaptation tool for the water industry*, Water Services Association of Australia and Sydney Water.
- *Pilot council and insurance partnership on climate adaptation methods*, Sunshine Coast Regional Council and Insurance Council of Australia.
- *Assessment and decision frameworks for existing seawalls*, Sydney Coastal Councils Group.
- *Queensland coastal hazard adaptation strategy pilot study – Townsville*, Local Government Association of Queensland, Department of Environment and Resource Management, and Townsville City Council.
- *Demonstrating climate change adaptation of interconnected water infrastructure project*, Sydney Water and Sydney Coastal Councils Group.
- *Prioritising coastal adaptation and development options for local government*, Sydney Coastal Councils Group.
- *Decision support for adaptation action*, Hunter Councils / Hunter and Central Coast Regional Environmental Management Strategy.
- *Climate change decision support framework and software for coastal councils*, Local Government Association of South Australia.
- *Developing flexible adaptation pathways for the Peron Naturaliste coastal region of Western Australia*, Peron Naturaliste Group (Western Australia).
- *Deciding for the coast: implementing effective adaptation actions*, South East Councils Climate Change Alliance (Victoria).

On 6 July 2011, the Government announced a further \$2.6 million in grants for nine priority research projects into the social, economic, and institutional dimensions of climate change across Australia. These projects will also be managed by the National Climate Change Adaptation Research Facility.¹⁴

Quarterly Update of Australia's National Greenhouse Gas Inventory

In August 2011, the Government released its quarterly update of Australia's national 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 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

¹³ <http://www.climatechange.gov.au/government/initiatives/australias-coasts-and-climate-change/adapting/coastal-adaptation-decision-pathways/projects.aspx>.

¹⁴ <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/July/mr20110706.aspx>.

generation from natural gas and hydroelectricity sources.¹⁵ 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.¹⁶

Energy Efficiency Continuing Opportunities: Report 2010

On 30 June 2011, the Government announced the release of the Energy Efficiency Opportunities (EEO) Program 2010 report. The report considers the results of the EEO program from 2006-2010 based on public reports of assessments undertaken by EEO participants.

The EEO program is a legislated program that aims to improve the energy efficiency of the nation’s largest energy-using businesses. The EEO program applies to large energy-using corporations, including mining, resource processing, manufacturing, transport and commercial sectors, and extended to electricity generators from 1 July 2011.

The EEO program is designed to:

- improve the identification and uptake of cost effective energy efficiency opportunities;
- enhance productivity;
- reduce greenhouse gas emissions;
- improve financial outcomes for program participants; and
- facilitate greater scrutiny of energy use by large energy consumers.

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 latest report,¹⁷ participants had 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.

According to the report, 141.9 PJ of identified energy savings is equivalent to emissions reductions of 11.2 million tonnes per annum, or 2% of Australia’s total greenhouse gas emissions; and a financial benefit for EEO program corporations worth an estimated \$1.2 billion per annum.

¹⁵ <http://www.climatechange.gov.au/~media/publications/greenhouse-acctg/national-greenhouse-inventory-march2011.pdf>; page 3.

¹⁶ Ibid.

¹⁷ http://www.ret.gov.au/energy/Documents/energyefficiencyopps/res-material/Continuing_Opportunities_report_2010_FINAL.pdf.

Passage of the Carbon Farming Initiative

The Carbon Credits (Carbon Farming Initiative) Bill 2011 was passed by the House of Representatives and Senate on 22-23 August 2011. The original bill was passed with 19 amendments including:

- A deeming provision that states that registered native title holders hold an *eligible interest* in the native title land; and
- 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.

On 1 July 2011, the Government released a consultation paper on the proposed approach to developing the positive and negative lists under the Carbon Farming Initiative. The paper contains illustrative examples of activities to be included on the positive and negative lists.¹⁸

On 16 August 2011, the Government released draft regulations giving effect to the positive and negative lists in the Carbon Credits (Carbon Farming Initiative) Regulations 2011 (Cth).¹⁹ Commentary on the exposure draft regulations was also released. Public consultation on the draft regulations closed on 16 September 2011.

Mandatory Disclosure of Residential Building Energy, Greenhouse and Water Performance: Consultation Regulation Impact Statement

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 this initiative. The Consultation RIS considers several options, covering a range of models for the disclosure of energy, greenhouse and water information. It also considers the options of disclosure at point of sale only, versus point of sale and lease. The six options include:

- 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).

¹⁸ <http://www.climatechange.gov.au/government/submissions/cfi-positive-negative-lists/consultation-paper-cfi.aspx>.

¹⁹ <http://www.climatechange.gov.au/en/government/submissions/draft-regulations-positive-negative-lists-for-cfi.aspx>.

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 the Draft Greenhouse and Energy Minimum Standards (GEMS) Bill

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 regulatory impact analysis, national legislation for appliance energy performance standards and energy labelling (and over time move to add 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.

The Government has released an industry consultation paper on the draft bill.²⁰ The Commonwealth has announced that it is planning to introduce the GEMS Bill into Parliament before the end of 2011, for commencement in mid-2012. Written submissions regarding the draft GEMS 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 national legislation are to capture and streamline existing administrative and compliance arrangements of the E3 program; to introduce new features to improve national consistency; and to allow for the coverage of a wider range of products and equipment types.

Some of the Main Changes Being Proposed to the E3 program include:

- Giving the scheme a Commonwealth legislative basis. 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.²¹

²⁰ <http://www.climatechange.gov.au/government/submissions/~media/submissions/gems/industry-exposure-draft-of-bill-consultation-paper-pdf.pdf>

²¹ Consultation Paper, *ibid*, page 5.

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.²²

New Renewable Energy Agency Announced

On 8 July 2011, the Government announced that it would establish a new agency, the \$3.2 billion 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. 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 \$1.7 billion 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 2020.²³

Emerging Renewable Energy Program

On 8 August 2011, the Government opened its *Emerging Renewables* program to applications from "promising 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.²⁴ Total program funding is \$126 million. The program will be administered by ARENA once the agency has been established.

Investment in Solar Power Stations

In June 2011, the Government announced that it would provide more than three quarters of a billion dollars to help build two of the largest solar power stations in the world at Chinchilla in Queensland and Moree in New South Wales.

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 \$1.5 billion Solar Flagships

²² <http://www.climatechange.gov.au/minister/mark-dreyfus/2011/media-release/June/mr20110608a.aspx>.

²³ <http://minister.ret.gov.au/MediaCentre/MediaReleases/Pages/RenewableEnergyEntersaNewArena.aspx>.

²⁴ <http://minister.ret.gov.au/MediaCentre/MediaReleases/Pages/emergingrenewablesprog.aspx>.

program. The Government has announced that work will commence next year and the plants are expected to be completed and commissioned by the end of 2015.²⁵

National Solar Schools Program

On 1 August 2011, the Government announced \$25 million 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.²⁶

Launch of Synthetic Fuels Facility

In June 2011, the Government announced the launch of the \$5 million 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.²⁷

Carbon Capture and Storage Flagships Program

In June 2011, the Australian Government announced that it had selected the Collie South West Hub project for funding under the \$1.68 billion Carbon Capture and Storage Flagships Program. The Commonwealth will provide up to \$52 million in funding for the first key phase of the project development, the completion of a detailed storage viability study. The total capital cost of the Collie South West Hub CCS project is forecast at around \$1 billion.²⁸

Energy Security: Future Energy Discovery Report

In June 2011, Geoscience Australia released a report "Toward Future Energy Discovery". The report details the achievements of the Government's five-year, \$134 million 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.²⁹

²⁵

<http://minister.ret.gov.au/MediaCentre/MediaReleases/Pages/GreenLighttoBuildAustralia'sLargestSolarProjects.aspx>.

²⁶ <http://www.climatechange.gov.au/minister/mark-dreyfus/2011/media-release/August/mr20110801a.aspx>.

²⁷

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

²⁸ <http://minister.ret.gov.au/MediaCentre/MediaReleases/Pages/Multi-MillionDollarCleanEnergyInvestmentforWA.aspx>.

²⁹ https://www.ga.gov.au/image_cache/GA19729.pdf.

Product Stewardship Bill 2011

The Product Stewardship Bill 2011 (Cth) was passed on 22 June 2011 and received assent on 25 July 2011. It will establish a national framework that is intended “to enable Australia to more effectively manage the environmental, health and safety impacts of products, and in particular those impacts associated with the disposal of products”.³⁰ The framework is an outcome of the National Waste Policy: Less Waste, More Resources of November 2009, agreed to by the Council of Australian Governments in 2010.

The framework includes voluntary, co-regulatory and mandatory product stewardship to be imposed on manufacturers, importers, distributors and others to take action that relates to one or more of the following:

- avoiding generating waste from products;
- reducing or eliminating the amount of waste from products to be disposed of;
- reducing or eliminating hazardous substances in products and waste from products;
- managing waste from products as a resource;
- ensuring that products and waste from products is treated, disposed of, recovered, recycled and reused in a safe, scientific and environmentally sound way.³¹

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 2011.³²

Breach of Water Efficiency and Labelling Laws

In August 2011, it was announced that three companies from the Australian Capital Territory, Queensland and Victoria had been found to be in breach of *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; and

³⁰ <http://www.environment.gov.au/settlements/waste/product-stewardship/index.html>.

³¹ Revised Explanatory Memorandum, 2011, p 3.

³² <http://www.environment.gov.au/minister/farrell/2011/pubs/mr20110615.pdf>.

- be subject to independent product auditing at their cost, to both assist and ensure future compliance.³³

EPBC Act: Bioregional Plans Bill

The Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 (Cth) was debated in the Senate on 16 June 2011 and 26 June 2011. The Senate Environment and Communications Legislation Committee tabled its final report on 26 June 2011.³⁴ The Bill proposes to amend the Environment Protection and Biodiversity Conservation Act 1999 (Cth) to provide that bioregional plans are disallowable instruments that are subject to the Legislative Instruments Act 2003 (Cth).

EPBC Act Reform: Australian Government's Response

On 24 August 2011, the Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) released the *Australian Government Response to the Report of the Independent Review of the Environment Protection and Biodiversity Act 1999*.³⁵ This document follows a comprehensive review of the Environment Protection and Biodiversity Act 1999 (Cth) by Dr Allan Hawke, *The Australian Environment Act: Report of the independent review of the Environment Protection and Biodiversity Conservation Act 1999*, which was published in October 2009.³⁶

Environment Minister Tony Burke stated that the Government response 'sets out a new national approach to the protection of Australia's environment and biodiversity which will be better for the environment, better for business and mean better co-operation between government, industry and communities'.³⁷

The Government noted that the primary environmental reforms set out in its response document include:

- a more proactive approach to protecting Australia's environment through more strategic assessments and regional environmental plans;
- identifying and protecting ecosystems of national significance under the EPBC Act 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 that will bring together industry, scientists, non-government organisations and governments to work together on environmental standards, guidelines and procedures. DSEWPaC has announced that it is

³³ <http://www.environment.gov.au/about/media/dept-mr/dept-mr20110808.html>

³⁴ http://www.aph.gov.au/senate/committee/ec_ctte/bioregional_plans/report/report.pdf.

³⁵ <http://www.environment.gov.au/epbc/publications/pubs/epbc-review-govt-response.pdf>.

³⁶ <http://www.environment.gov.au/epbc/review/publications/pubs/final-report.pdf>.

³⁷ <http://www.environment.gov.au/minister/burke/2011/mr20110824.html>.

seeking expressions of interest for the establishment of the National Centre for Cooperation on Environment and Development. Expressions of interest close on 1 November 2011;³⁸

- 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);
- establishing a single national list of threatened species and ecological communities to reduce inconsistencies between jurisdictions;
- better regulation of international trade in wildlife by streamlining permits;
- more transparent information to inform communities about environmental assessments, including making it standard practice to publish 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; and
- public consultation on possible introduction of cost recovery to ensure adequate resourcing for administration of the EPBC Act, with a release a cost recovery paper which will outline options for cost recovery of specific activities under the EPBC Act.

EPBC Act Reform Consultations

On 24 August 2011, DSEWPaC released the *Consultation draft: Australian Government Biodiversity Policy - A healthy natural environment, now and always* for public comment.³⁹ The Draft Policy outlines the 'role of the Australian Government and the principles that will guide the design and delivery of its policies and programs related to biodiversity' and complements Australia's Biodiversity Conservation Strategy 2010-2030.

Written submissions regarding the draft policy are invited until 21 October 2011.

EPBC Act Environmental Offsets Policy

On 24 August 2011, DSEWPaC released the *Consultation draft: EPBC Act Environmental Offsets Policy*, which includes the Environmental Offset Assessment Guide (undated), for public comment.⁴⁰ The draft policy 'outlines the Australian Government's framework on the use of environmental offsets under the [EPBC Act] including when they can be required, how they are determined and the framework under which they operate'.

Written submissions regarding the draft policy are invited until 21 October 2011.

³⁸ <http://www.environment.gov.au/epbc/publications/epbc-reform-cnced.html>.

³⁹ <http://www.environment.gov.au/epbc/publications/pubs/consultation-draft-biodiversity-policy.pdf>.

⁴⁰ <http://www.environment.gov.au/epbc/publications/pubs/consultation-draft-environmental-offsets-policy.pdf>.

Draft north and north-west marine plans released

On 23 August 2011, the Federal Government released draft marine bioregional plans and proposed marine reserves networks to protect Australia's north and north-west marine environment. Environment Minister Tony Burke outlined details of draft north and north-west bioregional plans and proposed Marine Reserves Networks that will be open for three months community feedback before the plans and proposals are finalised under national environmental law.⁴¹

Proposed amendments to the EPBC Act

On 12 September 2011, 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).⁴²

Inquiry into the impact of the Murray-Darling Basin Plan in Regional Australia

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 is titled *Of drought and flooding rains* and contains 21 separate recommendations to the Government.⁴³

Protection of the Sea Amendments

The Protection of the Sea (Prevention of Pollution from Ships) Amendment (Oil Transfers) Act 2011 (Cth) received royal 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 \$2500 fine after pleading guilty to three charges of possessing illegally imported wildlife.⁴⁴

In August 2011, the Government announced that Operation BONAPARTE had resulted in one of the largest wildlife seizures in Australia, with close to 400 alleged illegal wildlife products seized.⁴⁵

⁴¹ <http://www.environment.gov.au/minister/burke/2011/mr20110823.html>.

⁴²

http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy=priority,title;page=7;query=DataSet_Phrase%3A%22billhome%22%20ParliamentNumber%3A%2243%22;rec=10;resCount=Default.

⁴³ <http://www.aph.gov.au/house/committee/ra/murraydarling/report.htm>.

⁴⁴ <http://www.environment.gov.au/about/media/dept-mr/dept-mr20110607.html>.

⁴⁵ <http://www.environment.gov.au/about/media/dept-mr/dept-mr20110811.html>.

Wild Rivers (Environmental Management) Bill 2011 (Cth)

On 12 September 2012, the leader of the Opposition, 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.⁴⁶

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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.