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### Key initiatives of the 2011–12 Federal Budget

On 10 May 2011, Federal Treasurer Wayne Swan MP delivered the Federal Budget for the 2011–2012 financial year. The Budget contains a number of new initiatives, financial redistributions and reductions that relate to Australia's current regulatory framework governing the environment, climate change and renewable energy. These are set out below.

### Environment

- *A Sustainable Australia:* Sustainability, Population and Communities Minister Tony Burke said the Government would invest \$100m for a *Suburban Jobs* initiative. The initiative will support local and state governments to plan and deliver employment precincts, manufacturing hubs and multifunction developments close to residential areas in growing outer suburbs. The Government will also invest \$29.2m in a new *Sustainable Regional Development* initiative to support better sustainability planning in regions that are experiencing high growth. The Government will develop a set of *Sustainability Indicators* to measure Australia's progress towards more sustainable communities with \$10.1m allocated in the budget for a new *Measuring Sustainability Program*. This will involve the development of a set of sustainability indicators to inform decision making at a regional level.<sup>1</sup>
- *Protecting Australia's unique marine life:* The Government will invest \$9.7m for the management of proposed marine reserves and bioregional plans being developed to protect Australia's marine life. The Government has previously committed to the establishment of new marine reserves that will form part of a *National Representative System of Marine Protected Areas*. Draft marine bioregional plans are being developed for each of four identified marine regions in the south-west, north-west, north and east. These will be followed by a three month community consultation period before finalisation and implementation of each plan.<sup>2</sup>
- *Funds for environment and heritage:* The Government will invest \$84.2m over four years in a new round of its successful Environmental Stewardship Program, through *Caring for our Country*. The *Environmental Stewardship Program* gives landholders access to 15-year grants so they can take long-term action on their land to reduce grazing intensity, control weeds and feral animals and protect key species and ecological communities. The Budget also set aside \$10m over three years to deliver on a 2010 Election commitment to develop a *National Wildlife Corridors Plan* to link national parks and reserves with private land. A further \$4m over four years will be invested to control the 'crazy ants' which threaten the red crab and rainforest habitat ecosystems of Christmas Island. These initiatives are part of the *Caring for our Country program* which has committed \$2b over five years to 2012–13 in helping communities, farmers and other natural resource managers protect Australia's environment. The Government will also invest an additional \$8m over two years to help communities

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<sup>1</sup> <http://www.environment.gov.au/minister/burke/2011/mr20110510a.html>

<sup>2</sup> <http://www.environment.gov.au/minister/burke/2011/mr20110510b.html>

manage and conserve important heritage places, including those affected by natural disasters.<sup>3</sup>

- *Research into Antarctica:* The Government announced it would invest \$28.3m for research in the Antarctic to address critical issues such as climate change, the human footprint on Antarctica and increasing demands for food, energy and security caused by human population growth. This includes scientific research programs at four research stations: Mawson, Davis, Casey and Macquarie, shipping support and the Australia-Antarctica Airlink.<sup>4</sup>
- *Funding for Water Efficiency:* The Government announced it will be investing \$845m in the 2011–12 Budget to deliver water infrastructure projects and manage water sustainably in communities across Australia. These projects will support sustainable water use, create water savings for the environment and improve farming efficiency. The Government also announced that the \$5.8b set aside to increase water efficiency in rural communities will go towards projects that drive sustainable water use and management. Support for infrastructure forms part of more than \$12b the Government is investing under the 10-year Water for the Future initiative to deliver infrastructure funding, voluntary water purchases for the environment and improved water management arrangements.<sup>5</sup>
- *National Rainwater and Greywater Initiative:* The Government announced that it will no longer be providing rebates for rainwater tanks or greywater systems under the *National Rainwater and Greywater Initiative*. Rainwater tanks or greywater systems purchased after 10 May 2011 will not be eligible for an Australian Government rebate.<sup>6</sup>

## Climate change

- *National Solar Schools Program – reduction in funding:* The National Solar Schools Program will close on 30 June 2013, which is two years earlier than originally scheduled. The early closure of this scheme is intended to generate savings of around \$156.4m, which have been redistributed to fund new proposals relating to energy efficiency, greenhouse and energy reporting, and renewable energy programs.<sup>7</sup>
- *Fringe Benefits Tax (FBT) for Motor Vehicles – reduction in funding:* As part of the Federal Government's move to a 'low carbon future', Mr Swan MP also announced reforms to FBT arrangements which will remove the unintended tax incentive for unnecessarily high carbon pollution from motor vehicles.<sup>8</sup>
- *Greenhouse and Energy Reporting – additional funding:* \$20.2m in additional funding will be provided during the next four years to support delivery of the *National Greenhouse and Energy Reporting Act 2007* (Cth).<sup>9</sup>
- *Energy Efficiency – additional funding:* \$13m in additional funding will be provided over the next four years to support further energy efficiency initiatives, including initiatives identified under the National Strategy on Energy Efficiency.<sup>10</sup>
- *Green Loans program – additional funding:* The Government will provide \$46.5m over two years (\$28.5m in 2010–11 and \$18.0m in 2011–12) to manage the closure of the

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<sup>3</sup> <http://www.environment.gov.au/minister/burke/2011/mr20110510c.html>

<sup>4</sup> <http://www.environment.gov.au/minister/burke/2011/mr20110510d.html>

<sup>5</sup> <http://www.environment.gov.au/minister/burke/2011/mr20110510e.html>

<sup>6</sup> <http://www.environment.gov.au/water/policy-programs/nrgi/index.html>

<sup>7</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/May/mr20110510.aspx>

<sup>8</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/May/mr20110510.aspx>

<sup>9</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/May/mr20110510.aspx>

<sup>10</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/May/mr20110510.aspx>

Green Loans program and provide assistance to home sustainability assessors.<sup>11</sup>

## **Renewable energy**

- *Solar Flagships – redirection of funding:* The Government will reduce funding for the Solar Flagships program by \$220m over two years from 2012–13. However, funding for the program will be restored beyond the forward estimates (\$110.0m per annum in 2015–16 and 2016–17).<sup>12</sup>
- *Connecting Renewables Initiative – additional funding:* The Government will provide \$1.4m over three years to support the design phase of the Connecting Renewables-Connecting to the Grid program.<sup>13</sup>
- *Funding for the Office of Renewable Energy Regulatory (ORER) – additional funding:* \$53.2m will be provided to the ORER over a four year period to assist with the administration of new statutory responsibilities resulting from the amendments in 2010 to the *Renewable Energy (Electricity) Act 2000* (Cth).<sup>14</sup>
- *Solar Cities – additional funding:* \$13.7m in additional funding will be provided over the next two years to ensure successful delivery of the objectives of the Solar Cities program. This program supports seven Solar Cities – Adelaide, Alice Springs, Blacktown, Central Victoria, Moreland, Perth and Townsville – trialling new sustainable models for electricity supply and use.<sup>15</sup>
- *Creation of the Australian Biofuels Research Institute (ABRI) – additional funding:* The Federal Government has committed \$20m to establish the ABRI. The Institute is charged with investigating the potential of next-generation biofuels to increase Australia's energy security, diversify sources of liquid fuel supply and to drive down the costs of these fuels.
- To advise on how best to set up the ABRI, an Establishment Council has been created to oversee the development and strategy for the ABRI. The members of the ABRI Establishment Council are:
  - Chair – Dr Bruce Godfrey, Australian Centre for Renewable Energy Board and principal of the Wyld Group
  - Dr Susan Pond, Adjunct Professor of the Dow Sustainability Program at the University of Sydney
  - Mr Mehrdad Baghai, Managing Director of Alchemy Growth Partners; current Chairman, Australian American Leadership Education Foundation (Leadership Dialogue); Former Executive Director CSIRO
  - Mr Peter Broschovsky, Head of Environment and Fuel Conservation for Qantas Airways Ltd
  - Dr Tony Haymet, Director Scripps Institution of Oceanography, Former Director CSIRO, Co- founder of CleanTech San Diego
  - Professor Thomas Maschmeyer, Professor of Chemistry, Sydney University
  - Professor Rocky de Nys, Professor of Aquaculture, James Cook University

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<sup>11</sup> [http://www.budget.gov.au/2011-12/content/bp2/html/bp2\\_expense-05.htm](http://www.budget.gov.au/2011-12/content/bp2/html/bp2_expense-05.htm)

<sup>12</sup> <http://cache.treasury.gov.au/budget/2011-12/content/download/Overview.pdf>

<sup>13</sup> <http://cache.treasury.gov.au/budget/2011-12/content/download/Overview.pdf>

<sup>14</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/May/mr20110510.aspx>

<sup>15</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/May/mr20110510.aspx>

- Mr Martin Hoffman, Deputy Secretary, Department of Resources, Energy and Tourism.

As part of this overall commitment to biofuels, the Government also announced that a foundation project at James Cook University in Townsville will receive \$5m in funding.<sup>16</sup>

- *Emerging Renewables Program (ERP) – additional funding:* \$100m in funding will be provided to the ERP, which is intended to help reduce the cost of renewable energy technologies. The ERP is designed to introduce a more flexible approach to funding and program delivery for renewable energy projects.
- Applications for the \$100m ERP are expected to open in the coming months, which will be assessed by the board of the Australian Centre for Renewable Energy (ACRE).<sup>17</sup>
- *Renewable Energy Venture Capital Fund (Fund) – additional funding:* \$100m in funding will be used to establish the Fund, which is designed to assist Australian high-potential renewable energy start up companies by making critical early-stage equity investments. The Fund will be administered by ACRE and will commence operation following the appointment of two venture capital fund managers.<sup>18</sup>

### **Low Carbon Fossil Fuel Generation**

- *Global Carbon Capture and Storage Institute (GCCSI) – reduction in funding:* The Government will reduce funding to the GCCSI by \$45m over two years from the 2011–12 financial year.<sup>19</sup>
- *Carbon Capture and Storage Flagships (CCSF) program — reduction and deferral of funding:* The Government will reduce funding for the CCSF program by \$420.9m over five years from 2010–11. Funding of \$260.0m will be restored to the program beyond the forward estimates. The program will now provide funding of \$1.6b, including \$100m under the Education Investment Fund.<sup>20</sup>
- *National Low Emissions Coal Initiative (NLECI) – reduction in funding:* The Government will reduce funding to the NLECI by \$12.8m over the next five years.<sup>21</sup>
- *National CO<sub>2</sub> Infrastructure Plan – additional funding:* The Government will provide \$60.9m over four years to support the establishment of a National CO<sub>2</sub> Infrastructure Plan. The plan is premised on four main concepts:
  - a multi-basin carbon dioxide (CO<sub>2</sub>) storage exploration and appraisal program to facilitate long-term CO<sub>2</sub> storage hubs
  - acquisition of significant pre-competitive offshore and onshore CO<sub>2</sub> storage data in basins in New South Wales, Victoria and Western Australia
  - a National CO<sub>2</sub> drilling strategy
  - a National CO<sub>2</sub> storage and transport infrastructure assessment.<sup>22</sup>

<sup>16</sup><http://minister2.ret.gov.au/MediaCentre/MediaReleases/Pages/BudgetAustralianBiofuelsResearchInstitute.aspx>

<sup>17</sup><http://minister2.ret.gov.au/MediaCentre/MediaReleases/Pages/SupportingEmergingRenewableEnergyTechnology.aspx>

<sup>18</sup><http://minister2.ret.gov.au/MediaCentre/MediaReleases/Pages/SupportingEmergingRenewableEnergyTechnology.aspx>

<sup>19</sup><http://www.budget.gov.au/2011-12/content/overview/html/index.htm>

<sup>20</sup><http://cache.treasury.gov.au/budget/2011-12/content/download/Overview.pdf>

<sup>21</sup><http://www.budget.gov.au/2011-12/content/overview/html/index.htm>

<sup>22</sup><http://www.budget.gov.au/2011-12/content/overview/html/index.htm>

## **Australia's Climate Commission reports on the Science of Climate Change**

On 23 May 2011, Australia's Climate Commission released *The Critical Decade: Climate Science, Risks and Responses*. The author of the report, Professor Will Steffen, noted that the purpose of the report is to 'provide up-to-date information on the science of climate change and the implications of this knowledge, both for mitigation strategies and for the analysis of and responses to risks that climate change poses for Australia'.

The report contains four key messages. These are:

- it is undeniable that the earth's climate is warming as a result of human activities
- the warming of the earth's climate is already having significant social, economic and environmental impacts including:
  - an increased number of hot days during the past 50 years in Australia
  - global sea level rises of 20cm since the beginning of the nineteenth century. Sea levels are expected to rise by approximately the same amount by 2050
  - that the Great Barrier Reef 'has suffered from nine bleaching events in the past 31 years'
- human activities, namely the combustion of fossil fuels and deforestation, are the main contributors to climate change
- decisions that are made during the current decade (2010–2020) will determine the severity of the impacts of climate change up to 2050. It is for this reason that the Commission calls for the rapid decarbonisation of the Australian economy with the effect that greenhouse gas emissions peak within the next few years and then decline strongly.<sup>23</sup>

## **Productivity Commission report on comparative carbon policies**

On 9 June 2011, the Productivity Commission released a research report titled *Carbon Emission Policies in Key Economies*. The Productivity Commission undertook this report at the request of the Commonwealth Government to help it and the MPCCC understand the policies that are in place in a number of Australia's major trading partners to reduce greenhouse gas emissions and the costs associated with these policies.

The Government specifically requested the Productivity Commission to:

- examine the emissions reduction policies that are either in place or that have been committed to in Australia, the United Kingdom, the United States, Germany, New Zealand, China, India, Japan and South Korea
- estimate the effective carbon price per tonne of the emission reduction policies in place in the above jurisdictions to determine the most efficient regulatory approach to reduce greenhouse gas emissions.

The main conclusions of the report include:

- each country that was analysed was found to have an implicit carbon price (even if it did not price carbon emissions directly) as a result of the different regulatory tools that were used to reduce emissions. On the basis of these analyses the Productivity Commission concluded that an emissions trading scheme is the most efficient means to reduce greenhouse gas emissions and that complementary measures (such as renewable energy programs) only serve to increase the cost of greenhouse gas abatement

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<sup>23</sup> <http://climatecommission.govspace.gov.au/files/2011/05/4108-CC-Science-Update-PRINT-CHANGES.pdf>

- a number of Australia's major trading partners have or are currently contemplating the introduction of an emissions trading scheme (ETS):
  - New Zealand, Germany and the UK operate (or, in the case of the EU member states, participate in) an ETS
  - Japan and South Korea have announced that they will introduce ETSs (although in both cases implementation has been delayed)
  - China is considering trialling a pilot ETS in some provinces as part of its 12th Five Year Plan
  - There are also a number of sub-national ETSs in place or that have been proposed, including:
    - the Regional Greenhouse Gas Initiative, which covers electricity in 10 states in the north east of the United States (although the cap is not currently binding)
    - the Western Climate Initiative, which was intended to cover seven US states and four Canadian provinces. However, it appears that only California, at least among the US states, is committed to implementing an ETS by 2012
- the New South Wales Greenhouse Gas Reduction Scheme, which is a baseline and credit scheme applying to the NSW electricity sector
- a variety of policy measures are used to reduce greenhouse gas emissions in the electricity generation sector. The most widely applied emissions-reduction policies are mandatory renewable energy targets (mostly with tradeable permits) (Australia, the UK, Japan, South Korea (which has committed to this approach from 2012) and a large number of US states), feed-in tariffs (Germany, United Kingdom, South Korea and at the state level in Australia), and capital subsidies (often in conjunction with feed-in tariffs)
- countries seek to reduce emissions in the road transport sector primarily through fuel taxes, production subsidies for biofuels, vehicle fuel efficiency standards and/or labelling, fuel mandates, and differentiated vehicle taxes and subsidies.<sup>24</sup>

### **The Garnaut Review 2011**

On 31 May 2011, Professor Ross Garnaut released his final review titled *Australia in the Global Response to Climate Change*. The release of this report concludes the series of updates that were commissioned by the Commonwealth Government to provide an update to Professor Garnaut's 2008 Review.

The purpose of the review was to examine how developments in science, diplomacy, political culture and the economy have affected the national interest case for Australian climate change action. In particular, the review considers the following issues related to the issue of climate change, which are relevant to the international and domestic aspects of this issue.

The central conclusions of the report are:

- the updated climate change science indicates that there is 'no doubt that average temperatures on earth are rising and that human-induced increases in greenhouse gases are making major contributions to these rises'

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<sup>24</sup> <http://www.pc.gov.au/projects/study/carbon-prices/report>

- to arrest the earth's changing climate the world, including both developed and developing nations, must contribute to the reduction of the world's greenhouse gas emissions. This will require a change in policies in a number of countries
- to correct Australia's greenhouse gas emissions profile and contribute to the world's mitigation efforts, Australia must adopt a carbon price, which must initially operate by using a fixed price (tax) but which must, over time, transition into a fully flexible trading scheme
- the imposition of a carbon price will generate large amounts of revenue that must be reinvested to support technology development, efficiency improvement, and provide assistance to certain industries in order to avoid an uneconomic reduction of production in emissions-intensive industries
- adaptation is a crucial contributor to Australia's response to climate change. Therefore, Garnaut notes that 'an integrated adaptation response with clear priorities will be of particular importance where there are long-lived decisions to be made on land-use planning and major infrastructure development'.<sup>25</sup>

### **Treasury modelling on the carbon price**

On 1 April 2011, the Commonwealth Treasury released a number of documents under freedom of information laws that reveal the potential cost impacts of the proposed Australian carbon pricing mechanism. The documents reveal that the Commonwealth Treasury has advised the Treasurer, Mr Wayne Swan MP, that a \$30 a tonne carbon price would lift household costs by \$16.60 a week, before any compensation is offered. The modelling of price impacts, which was presented to Mr Swan in February, includes price rises for electricity, gas, fuel and food.

Other documents released by the Commonwealth Treasury warned the Government against using carbon tax compensation as an instrument of tax reform, as suggested by climate change adviser Ross Garnaut, as this would prove problematic. Instead, Treasury advised Mr Swan in October last year that the best way to provide compensation for carbon price impacts was through income tax cuts.

The documents also reveal that Treasury noted that the rate of the carbon tax would have to be frequently adjusted in the early years because of the lack of data to inform the tax rate. This is likely to impact on business certainty.<sup>26</sup>

### **National greenhouse accounts**

On 18 April 2011, the Department of Climate Change and Energy Efficiency released the National Greenhouse Accounts including *Accounting for the Kyoto Target 2009* and the *December Quarter 2010* latest trends.

According to the accounts, greenhouse gas emissions for the 12 months to December 2010 are 0.5% higher than for the previous 12 months. This is due largely to the recovery in industrial activity from the low levels experienced during the economic slowdown in 2009. In addition, the quarterly data shows trend emissions falling by 1.2% in the December quarter as emissions from electricity generation continue to be affected by fuel switching from black coal to gas and hydro generation and cooler temperatures.<sup>27</sup>

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<sup>25</sup> <http://www.garnautreview.org.au/update-2011/garnaut-review-2011.html>

<sup>26</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/April/mr20110401a.aspx> and <http://www.treasury.gov.au/contentitem.asp?NavId=087&ContentID=1999>

<sup>27</sup> <http://www.climatechange.gov.au/en/media/whats-new/national-greenhouse-accounts-2009.aspx>

## **National carbon pricing mechanism**

On 24 February 2011, the Multi-Party Climate Change Committee (MPCCC) released the 'broad architecture' for a carbon pricing scheme in Australia, which is scheduled to commence on 1 July 2012. Since the release of this proposal, a number of important developments have occurred that reflect the progression of the proposal from a 'broad architecture' to a detailed legislative plan. These developments are set out below.

### *Land Sector Working Group announced*

On 19 April 2011, the Minister for Agriculture, Fisheries and Forestry, Senator Joe Ludwig MP, and Mr Dreyfus MP announced the formation of the Land Sector Working Group, which is charged with examining the benefits and opportunities for the land sector under a carbon price. Advice from the group will help inform the position that the Government takes to the MPCCC.

The other members of this group are:

- Mr David Farley, Managing Director, AA Co
- Mr Graham Tupper, National Liaison Manager, Australian Conservation Foundation
- Mr Allan Hansard, Transitional Chief Executive Officer, Australian Forest Products Association (NAFI and A3P merged)
- Mr Tom Maguire, Chair, AMIC Climate Change Committee, Australian Meat Industry Council
- Mr Enzo Allara, Chair, Australian Pork Limited
- Ms Caryn Kakas, Executive Director, Australian Property Council
- Mr Mark Day, Chairman, Australian Sugar Milling Council
- Mr Richard Mulcahy, Chief Executive Officer, AusVeg
- Mr Peter Balsarini, Chief Executive Officer, Carbon Conscious
- Mr Neil Wandel, Chairman, CBH
- Mr Andrew Grant, Chief Executive Officer, CO2 Group
- Mr Doug Eddy, Federal President, Dairy Industry Association of Australia (Australian Dairy Industry Council)
- Mr Malcolm Jackman, Chief Executive Officer, Elders
- Mr Terry Edwards, Chief Executive Officer, Forest Industries Association of Tasmania
- Mr David Ginns, Corporate Affairs Manager, GrainCorp
- Mr Peter Melville, Manager, Natural Resources and Climate, Horticulture Australia Limited
- Mr John Berry, Director, JBS Swift
- Prof Snow Barlow, Member of Australian Landcare Council, Landcare
- Mr Robert Poole, General Manager Industry and Government Affairs, Murray-Goulburn Co-operative
- Mr Joe Morrison, Chief Executive Officer, North Australian Indigenous Land and Sea Management Alliance
- Mr Jock Laurie, President, National Farmers Federation
- Dr Sarah Ryan, National NRM Regions' Working Group, NRM groups chair of regional chairs
- Mr Richard Haire, Chief Executive Officer, Qld Cotton Corp
- Mr Darren Thomas, Chief Executive Officer, T&R Pastoral
- Mr John Connor, Chief Executive Officer, The Climate Institute
- Mr Gary Hughes, Executive Manager – Malt Division, Vitterra
- Mr Jonathan Green, Manager of Natural Resources, Winemakers Federation
- Mr Greg Wellar, Executive Director, Wool Producers Australia

- Dr Andreas Dubs, Executive Director, Australian Chicken Meat Federation Australia.<sup>28</sup>

#### *Household Assistance Working Group announced*

On 2 May 2011, the Federal Government established the Household Assistance Working Group to advise the Federal Government on the details of its household assistance package under the carbon pricing mechanism.<sup>29</sup>

Members of the Household Assistance Working Group include representatives from the following organisations:

- St Vincent De Paul
- Carers Australia
- National Seniors
- UnitingCare Australia
- Australian Council of Social Services
- National Congress of Australia's First Peoples
- Australian Federation of Disability Organisations
- National Shelter
- Australian Council of Trade Unions
- National Welfare Rights Network
- Brotherhood of St Laurence
- Council on the Ageing Australia.

The first meeting of this Household Assistance Working Group was hosted by the Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin MP, on 13 May 2011 in Melbourne to seek the views of community and welfare groups on the Government's carbon price household assistance package.<sup>30</sup>

#### *Consultation on carbon pricing mechanism*

On 28 April 2011, the Department of Climate Change and Energy Efficiency called for written submissions from interested stakeholders on the proposed architecture and implementation arrangements for a national carbon pricing mechanism. The Department noted that the submissions will be used to inform the development of policy options for discussion by the MPCCC. Submissions in response to this discussion paper closed on 10 May 2011.

#### *Multi-party Climate Change Committee*

The MPCCC continues to meet on a regular basis. During its meeting on 17 May 2011, the issues which the committee considered included:

- an update by Professor Garnaut on his work and the process for finalising the Garnaut Climate Change Review Update
- an update on the ongoing stakeholder engagement processes through the public submissions process, the Business and NGO Roundtables on Climate Change and the deliberations of the working groups and stakeholder engagement through liaison and technical working groups being managed by the Department of Climate Change and Energy Efficiency.<sup>31</sup>

<sup>28</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/April/mr20110419.aspx>

<sup>29</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/major-speeches/April/sp20110413.aspx>

<sup>30</sup> <http://www.climatechange.gov.au/minister/greg-combet/2011/media-releases/May/mr20110502.aspx>

<sup>31</sup> <http://www.climatechange.gov.au/media/whats-new/consultation-carbon-pricing.aspx>

### *Home Insulation Safety Program update*

Under the Home Insulation Safety Program the Government committed to inspect a minimum of 150 000 households insulated with products other than foil insulation. These inspections were targeted at installations based on a risk assessment. In October last year, the Government commissioned CSIRO to conduct a statistical analysis of the safety inspection results. In January this year, Booz and Company were contracted to provide advice and recommendations to the Department of Climate Change and Energy Efficiency.

In April 2011, the Minister and the Parliamentary Secretary for Climate Change and Energy Efficiency announced, following the consideration of the CSIRO and the Booz and Company reports, that the Government will conclude Government-initiated inspections once the 150 000 threshold has been achieved. It was anticipated that this would occur by mid 2011. Householder-initiated inspections will continue until June 2012. According to the government, the Booz and Company review found that inspecting households beyond the current levels is not likely to have a material impact on the reduction of risk. That is, the Government's safety inspection programs have successfully mitigated risk down to a level comparable to those that existed prior to the Home Insulation Program. The government has also noted that the CSIRO analysis shows that the risk of a fire incident occurring in homes with insulation installed under the Home Insulation Program has now fallen to around 2.5 incidents per 100 000 homes, which is the level that existed before the Home Insulation Program.<sup>32</sup>

### **Government extends consultations for tax breaks for green buildings**

On 20 April 2011, Assistant Treasurer Bill Shorten MP and Mark Dreyfus MP announced an extension to the *Tax Breaks for Green Buildings* consultation process to enable stakeholder proposals on the most effective way to implement the program to be considered.

Mr Shorten MP noted that the extension would include ongoing consultation with industry leaders to consider how the Federal Government could maximise the benefits of the program.

Exposure draft legislation is planned for release during 2011, with the program expected to commence on 1 July 2012.<sup>33</sup>

### **Release of NGER Amendment Determination 2011**

On 3 May 2011, the Federal Government released the *NGER (Measurement) Amendment Determination 2011* (Cth) consultation draft for comment. The release of the exposure draft follows the release of a Discussion Paper on the amendments to the NGER Determinations in August 2010.

The Federal Government's intention is for the *NGER (Measurement) Amendment Determination 2011* (Cth) to come into effect on 1 July 2011 in order to inform the preparation of NGER reports that must be submitted by October 2012. These amendments have no effect on reports to be submitted in October 2011.

Submissions in response to this discussion paper closed on 31 May 2011.<sup>34</sup>

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<sup>32</sup> <http://www.climatechange.gov.au/government/programs-and-rebates/hisp/reports.aspx>

<sup>33</sup> <http://www.treasurer.gov.au/DisplayDocs.aspx?doc=pressreleases/2011/062.htm&pageID=003&min=brs&Year=&DocType=>

<sup>34</sup> <http://www.climatechange.gov.au/media/whats-new/exposure-draft-paper.aspx>

## **Solar credits under the Renewable Energy Target (RET) scheme**

On 5 May 2011, Mr Combet MP announced adjustments to the Solar Credits under the RET scheme. These adjustments were made in response to the continued growth of the industry, the scheme's impact on electricity prices, and the impact of the Solar Credits support on demand for other clean energy technologies.

From 1 July 2011, the additional Solar Credits support under the Small-Scale Renewable Energy Scheme will be reduced to a multiple of 3 rather than 4.<sup>35</sup>

## **Study into off-grid renewable energy**

On 20 April 2011, the Resources and Energy Minister, Martin Ferguson AM MP, awarded a contract for work to begin on a detailed assessment of the renewable energy potential of the mid-west and Pilbara regions of Western Australia. The purpose of this assessment is to consider the most economically efficient ways to address some of the barriers to investment in remote off-grid and end-of-grid areas that have limited access to the electricity grid.<sup>36</sup>

## **Australia-China solar partnership**

On 28 April 2011, Mr Ferguson AM MP, launched a \$10.7m project between researchers at the Australian National University and the Chinese company Trina Solar, which is one of the world's largest manufacturers of solar cells. The project is designed to increase the efficiency of photovoltaic solar cells through a collaborative effort between the research partners.<sup>37</sup>

## **An assessment of the investments in the electricity generation sector**

The Investment Reference Group (IRG), which was established by Minister Ferguson AM earlier this year to advise on energy sector investments and to assist with the development of an independent review of investment issues relating to the electricity generation sector, published its first report in April 2011. This report was made available by the Department of Resources, Energy and Tourism in May 2011.

The report, *Investment Reference Group Report: a Report to the Commonwealth Minister for Resources and Energy*, considers the nature of carbon policy uncertainty and its consequences for the electricity generation sector, as well as describing the features of a policy that will promote efficient investment. The IRG is chaired by the Secretary of the Department of Resources, Energy and Tourism and includes investors and operators of electricity generation assets, energy market bodies, project financiers and state government participants.

The report notes that the impact of differing levels of policy uncertainty is likely to lead to the following outcomes:

- long-term policy uncertainty could significantly threaten security and the reliability of supply. The report notes, for example, that existing electricity generation plants may be deterred from significant ongoing maintenance and little new investment may occur, other than for peaking plants and renewables in receipt of direct subsidies
- policy uncertainty will lead to higher prices for customers if there is inefficient investment from a longer term perspective, such as a focus on peaking gas plants rather than base load plants. The report notes that customers may also pay higher prices as a result of policy uncertainty if it leads to investors seeking higher returns because of the higher risks involved in conducting business that operate electricity generation facilities

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<sup>35</sup> <http://www.climatechange.gov.au/media/whats-new/solar-credits.aspx>

<sup>36</sup> <http://minister2.ret.gov.au/MediaCentre/MediaReleases/Pages/SpotlightonWA.aspx>

<sup>37</sup> [http://minister2.ret.gov.au/MediaCentre/MediaReleases/Pages/\\$107MAustralia-ChinaSolarPartnership.aspx](http://minister2.ret.gov.au/MediaCentre/MediaReleases/Pages/$107MAustralia-ChinaSolarPartnership.aspx)

- policy uncertainty that leads to delays in the Australian energy sector contributing to emissions reductions will potentially lead to greater impacts on the electricity sector once this sector begins to reduce its emissions.

To address the potential policy uncertainty relating to the imposition of a carbon price, the IRG's report sets out the features for an effective policy regime that is capable of delivering efficient investment in the electricity generation sector. The central tenets of an effective policy regime must:

- set out a long-term emissions reduction target and trajectory. The report notes that early clarity about the path of the scheme caps will assist participants and investors with understanding the impacts of a carbon price, which can be factored into investment decisions
- provide a clear understanding of the transition mechanism and criteria for the introduction of the carbon tax and for moving from an initial carbon tax to an ETS
- establish a manageable domestic cap which, if required, allows for the use of international emissions permits
- provide for adjustment mechanisms that maximise long-term business and community support
- establish and maintain an appropriate framework of complementary measures to ensure that the Australian economy can transition to a low-carbon economy in a measured manner
- provide for a comprehensive risk assessment framework that is capable of managing the potential large-scale exit of existing generation from the market and the need to encourage significant levels of new investment in low-carbon or renewable electricity generation technologies.<sup>38</sup>

To complement the report prepared by the IRG, Mr Ferguson AM MP also commissioned Deloitte to undertake an independent review of investment activities in the Australian electricity generation sector. This report, *Electricity Generation Investment Analysis*, was made available by the Department of Resources, Energy and Tourism in May 2011.

The major findings set out in the Deloitte report are:

- shifts in fuel and technology have already taken place in the Australian electricity generation sector. This conclusion is supported by the changing investment trend and generation mix that reflects a 'paradigm shift from coal to gas over the period 2000–2005, followed by a combination of gas and renewable in more recent years'
- policy uncertainty around carbon pricing and, to a lesser extent, the renewable energy target are the most significant concerns affecting investment decisions in base load gas generation.<sup>39</sup>

### **Carbon farming initiative**

Three bills, part of the package of measures for implementation of the Carbon Farming Initiative (CFI), passed the House of Representatives on 16 June 2011. The House Climate Change, Environment and the Arts Committee's advisory report had recommended passage of the bills, the:

- Carbon Credits (Carbon Farming Initiative) Bill 2011
- Carbon Credits (Consequential Amendments) Bill 2011

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<sup>38</sup> <http://www.ret.gov.au/energy/Documents/Energy%20Security/IRG-report.pdf>

<sup>39</sup> <http://www.ret.gov.au/energy/Documents/Energy%20Security/Deloitte-Report-on-Electricity-Investment.pdf>

- Australian National Registry of Emissions Units Bill 2011.<sup>40</sup>

The bills were introduced in the Senate on 25 March 2011, and were referred to the Senate Environment and Communications Committee for inquiry and report. The final report tabled on 14 June 2011 recommended that the Government:

- consider options to ensure there are no perverse incentives to cease existing abatement projects, and encourage first movers to undertake further abatement or sequestration activities under the CFI
- consider what more can be done to fast track development of methodologies, and to develop and test the workability of carbon offsets projects in key agricultural industries
- continue to monitor scientific research relevant to the issue of permanence and adjust permanence obligations in the CFI to reflect international consensus on this matter
- in developing the negative list, take care to preserve abatement incentives, for example by tightly defining excluded projects to reflect local environmental conditions or circumstances
- consider options for improving the capacity of natural resource management plans to take account of climate change mitigation options and adaptation needs, and to maximise the broader environmental and social benefits of the CFI
- consider further changes to regional natural resource management plans to improve their governance and consistency
- address obstacles to indigenous participation in the CFI, including resolving outstanding uncertainties in relation to participation by holders of non-exclusive native title
- make clear that Kyoto-compliant credits will be linked to any future carbon price mechanism.

Subject to these recommendations, the committee recommended that the Senate pass the bills.<sup>41</sup>

#### *Estimates of Abatement*

On 21 April 2011 the Department of Climate Change published a discussion paper detailing preliminary indicative estimates of abatement likely to result from the CFI in the year 2020.<sup>42</sup>

#### *Proposed methodologies*

On 25 May 2011, the Domestic Offsets Integrity Committee published the first offset methodologies proposed under the CFI for public comment. Those proposed methodologies are for:

- savanna burning
- capture and combustion of landfill gas
- management of large feral herbivores (camels) in the Australian rangelands.

The public consultation process is open until 30 June 2011.<sup>43</sup>

#### *Proposed lists of eligibility/ineligibility*

On 1 June 2011, the Department of Climate Change released a consultation paper on the

<sup>40</sup> <http://www.aph.gov.au/house/committee/ccea/24March2011/report/CCEA%20Final%2017%20May%202011.pdf>

<sup>41</sup> [http://www.aph.gov.au/senate/committee/ec\\_ctte/carbon\\_farming/report/report.pdf](http://www.aph.gov.au/senate/committee/ec_ctte/carbon_farming/report/report.pdf) at pp vii-viii.

<sup>42</sup> <http://www.climatechange.gov.au/publications/carbon-farming/cfi-abatement.aspx>

<sup>43</sup> <http://www.climatechange.gov.au/government/initiatives/carbon-farming-initiative/methodology-development/methodologies-under-consideration.aspx>

## Positive and Negative Lists for the CFI.

The paper covers:

- the positive list, which identifies activities that would be considered additional and eligible to participate in the scheme
- the negative list, which identifies activities that are ineligible in certain circumstances because they risk adverse impacts on communities and the environment.

Public consultation on this paper is open until 30 June 2011.<sup>44</sup>

## Climate change impacts and costs

In June 2011, Mr Greg Combet MP released the updated *Climate Change Potential Impacts and Costs* fact sheets, which summarises research into the possible impacts of climate change across each State and Territory in Australia.<sup>45</sup>

## Investment in building resilience to climate change

The Government has announced that it will invest \$3.2m to help demonstrate how coastal communities can adapt to the unavoidable impacts of climate change. The Government has said that the investment will support partnerships with local governments, infrastructure operators and major utilities to explore how planning and investment decisions need to recognise the increasing impacts of climate change over time, particularly for long-lived assets.<sup>46</sup>

## Consultation on South-West Marine Region

A draft South-West Marine Bioregional plan and a South-West Commonwealth marine reserve network proposal have been released for public consultation.

The identification of new Commonwealth marine reserves is being guided by the *Goals and Principles for Establishment of the National Representative System of Marine Protected Areas in Commonwealth Waters*.

The consultation period on these documents will close on 8 August 2011.<sup>47</sup>

## Fisheries adjustment policy

The Government has announced its policy to support commercial fishing operators and communities if they are affected by the establishment of new Commonwealth marine reserves.

The *Fisheries Adjustment Policy* sets out how the Government will address commercial fishing activities that may be displaced by new Commonwealth marine reserves, and flow-on impacts on fishing-dependent communities. The Government has stated that it proposes to undertake a social and economic assessment of the proposed Commonwealth marine reserves network before any implementation decisions are made.<sup>48</sup>

## Australia's Sustainable Population Strategy

The Government released the sustainable population strategy which sets out the framework, backed by new funding for a sustainable Australia. *Sustainable Australia – Sustainable*

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<sup>44</sup> <http://www.climatechange.gov.au/government/submissions/cfi-positive-negative-lists.aspx>

<sup>45</sup> <http://www.climatechange.gov.au/climate-change/impacts/national-impacts.aspx>

<sup>46</sup> <http://www.climatechange.gov.au/media/whats-new/coastal-communities-building-resilience-to-climate-change.aspx>

<sup>47</sup> <http://www.environment.gov.au/coasts/mbp/south-west/index.html>

<sup>48</sup> <http://www.environment.gov.au/coasts/mbp/about/policy.html>

*Communities: A Sustainable Population Strategy for Australia* is intended to help to ensure that future population change is compatible with the economic, environmental and social wellbeing of Australia. The 2011–12 Budget provided \$150m to support a sustainable population in Australia through four measures: suburban jobs; sustainable regional development; promoting regional living; and measuring sustainability.<sup>49</sup>

### **National Urban Policy**

On 18 May 2011, the Minister for Infrastructure and Transport released *Our Cities, Our Future - A National Urban Policy for a productive, sustainable and liveable future*.

The National Urban Policy sets out the Government's objectives and directions for Australian cities over the next few decades, including delivering better infrastructure connections and public transport, reducing the carbon footprints of cities and improving urban planning and design.<sup>50</sup>

### **Performance benchmarking of Australian business regulation: planning, zoning and development assessments**

The Productivity Commission released the *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments Report* in May 2011. This study was the third in a series of reviews benchmarking Australian business regulatory burdens.<sup>51</sup> The Productivity Commission was requested to examine and report on the operations of the states and territories' planning and zoning systems, particularly as they impact on:

- business compliance costs
- competition
- the overall efficiency and effectiveness of the functioning of cities.

In doing so, the Commission reported on best practice approaches that support competition, including:

- measures to prevent 'gaming' of appeals processes
- processes in place to maintain adequate supplies of land suitable for a range of activities
- ways to eliminate any unnecessary or unjustifiable protections for existing businesses from new and innovative competitors.

The report identified significant differences across jurisdictions, including in relation to:

- business costs — such as the median time taken to assess development applications and the extent of developer charges for infrastructure
- the amount of land released for urban uses
- the provision made for appeals and alternative assessment mechanisms
- community involvement in influencing state and city plans, in development assessment and in planning scheme amendments (such as rezoning).<sup>52</sup>

### **New Appointments: Murray-Darling Basin Authority and National Water Commission**

In May 2011, Tony Burke MP, Minister for Water, announced the resignation of the Chief Executive of the Murray-Darling Basin Authority, Mr Rob Freeman. Dr Rhondra Dickson has been appointed the new Chief Executive. Ms Chloe Munro has been appointed as Chair

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<sup>49</sup> <http://www.environment.gov.au/sustainability/population/index.html#measures>

<sup>50</sup> <http://www.infrastructure.gov.au/infrastructure/mcu/urbanpolicy/index.aspx>

<sup>51</sup> <http://www.pc.gov.au/projects/study/regulationbenchmarking/planning/report>

<sup>52</sup> <http://www.pc.gov.au/projects/study/regulationbenchmarking/planning/report/key-points>

of the National Water Commission.<sup>53</sup>

### **Murray-Darling Basin Ministerial Forum**

Ministers from across the Murray-Darling Basin met in April 2011 to progress a collaborative and inclusive approach for governments and communities to develop and implement a plan for the Murray-Darling Basin. The Ministers agreed on the need to better align Commonwealth and State programs and policies aimed at improving water use efficiency and infrastructure programs, recovery of water for the environment and environmental water use and infrastructure. Ministers resolved that principles to be urgently explored should include:

- acknowledgement of previous efforts by Basin governments and communities to achieve water savings and improve water management
- measures to speed implementation of infrastructure and water efficiency programs, with an increased focus on outcomes
- examining all opportunities to strengthen the involvement of local communities in the design and rollout of State and Commonwealth programs, such as with water use efficiency projects
- environmental works and measures and environmental watering actions. Ministers acknowledged that different approaches may be required in different parts of the Basin
- opportunities to build a more flexible and adaptive approach to the delivery of programs.

The Ministers also agreed to meet more regularly to drive effective implementation.<sup>54</sup>

### **ACCC first water monitoring report**

In April 2011, the Australian Competition and Consumer Commission (ACCC) issued its first *Water Monitoring Report*. The report provides information about the impact of reforms on the water industry in the Murray Darling Basin.

The ACCC concluded that compliance with the new rules was generally good. The ACCC has conducted investigations and taken enforcement action where necessary. This includes action against Murray Irrigation Limited and Murrumbidgee Irrigation for the overcharging of termination fees during 2009-10. The report also examined water charges levied by infrastructure operators in the Murray Darling Basin and observed that the level and structure of charges varied across service providers. The ACCC has noted that future reports will provide additional information on these differences.<sup>55</sup>

### **Two new Murray-Darling water purchase rounds for Victoria and South Australia**

Water Minister Tony Burke announced two new tenders for water purchasing in the southern-connected Murray system in Victoria and South Australia. Tenders for water purchases in the southern-connected system were scheduled to open in Victoria and South Australia on 2 May 2011 and 6 June 2011 as part of the Government's approach to having smaller rounds of 'rolling' tenders for buybacks in the Murray Darling Basin.<sup>56</sup>

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<sup>53</sup> <http://www.environment.gov.au/minister/burke/2011/mr20110512.html>

<sup>54</sup> See *Communiqué* at <http://www.environment.gov.au/minister/burke/2011/communique-20110401.html>

<sup>55</sup> <http://www.accc.gov.au/content/index.phtml/itemId/985102/fromItemId/142>

<sup>56</sup> <http://www.environment.gov.au/minister/burke/2011/mr20110420.html>

## National Wildlife Corridors Plan Advisory Group

The Government made a commitment at the 2010 Election to invest \$10m to build the resilience of Australia's environment to climate change by working with the 56 regional natural resource management groups to develop a National Wildlife Corridors Plan.

In April 2011, Federal Environment Minister Tony Burke announced members of an advisory group to inform the Government's development of a draft *National Wildlife Corridors Plan*. The advisory group met for the first time in April 2011.<sup>57</sup>

The Advisory Group comprises:

- The Hon Bob Debus Independent Chair
- Kym Cheatham Ecotourism Australia
- Prof Steve Dovers Fenner School of Environment and Society, ANU
- Debra Goostrey Urban Development Institute of Australia
- Melissa George Indigenous Advisory Committee
- Brett de Hayr National Landcare Facilitator
- Dr Judy Henderson Northern Rivers Catchment Management Authority
- Doug Humann Bush Heritage Australia
- Angus Hume Natural resource management / agriculture advisor
- Vicki Jo Russell Australian Landcare Council
- Dr Paul Sinclair Australian Conservation Foundation
- Felicity Wishart The Wilderness Society
- Deb Kerr National Farmers Federation

## West Kimberley national heritage assessment:

In its preliminary assessment in February 2010, the Australian Heritage Council identified potential national heritage values over an area of around 20m hectares, covering a large part of the west Kimberley. The Environment Minister, Tony Burke, was originally due to make a decision on National Heritage listing on 5 November 2010. This period was extended to 30 August 2011 to allow for further consultation.

New information has been made available as part of the consultation process to help land users and others understand what National Heritage listing of the west Kimberley would mean for them. Comments close 27 June 2011.<sup>58</sup>

## National Environment Protection Council Annual Report 2009–2010:

The National Environment Protection Council (NEPC) Annual Report for 2009–10 was released in February 2011. The report outlines the range of activities undertaken by the NEPC and Environment Protection and Heritage Council in relation to environmental protection issues including progress in relation to air quality, waste management, assessment of site contamination, reporting of emissions of substances to the environment, chemicals management, and water reuse and recycling.<sup>59</sup>

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<sup>57</sup> <http://www.environment.gov.au/minister/burke/2011/mr20110412a.html>

<sup>58</sup> <http://www.environment.gov.au/heritage/ahc/national-assessments/kimberley/index.html>

<sup>59</sup> [http://www.parliament.nsw.gov.au/prod/la/latabdoc.nsf/0/b8d26f2d7211b909ca25788c0023ad1a/\\$FILE/Forward\\_pgs1-24.pdf](http://www.parliament.nsw.gov.au/prod/la/latabdoc.nsf/0/b8d26f2d7211b909ca25788c0023ad1a/$FILE/Forward_pgs1-24.pdf)

## **Acid sulfate soils in inland aquatic ecosystems**

The Environment Protection and Heritage Council and the Natural Resource Management Ministerial Council have released the *National guidance for the management of acid sulfate soils in inland aquatic ecosystems 2011*. The document is designed to guide the identification and management of inland acid sulfate soils to reduce or eliminate the risks they pose to the Australian environment and its economy.

The document has been developed in the context of the National Water Quality Management Strategy (NWQMS), which aims is to achieve the sustainable use of the nation's water resources by protecting and enhancing water quality while maintaining economic and social development.<sup>60</sup>

## **Great Ocean Road Heritage Listing**

In April 2011, it was announced by Heritage Minister Tony Burke that the *Great Ocean Road* will be placed on Australia's National Heritage List.<sup>61</sup>

## **Unauthorised clearing under EPBC Act by Council**

In March 2011, the Federal Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) announced that it had entered into a remediation determination with Singleton Council in New South Wales, which will require the council to spend \$100 000 over five years on the protection of native vegetation. This followed a finding by the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) that Singleton Council had allowed clearing of a protected and critically endangered ecological community. Under the remediation determination, Singleton Shire must also develop a management and monitoring plan for the area.<sup>62</sup>

## **Unauthorised clearing under EPBC Act by a private landowner**

In May 2011, DSEWPaC announced that a departmental investigation found that Douglas Edward Rutledge had allowed the clearing of an endangered ecological community protected under the EPBC Act at Warren in the NSW Central West. About 30 hectares of the endangered ecological community, known as *Weeping Myall Woodlands*, was disturbed. The clearing was halted before the ecological community was damaged beyond repair.

DSEWPaC took this into account in making the remediation determination that requires Mr Rutledge to manage the area and help natural regeneration of the ecological community including by excluding domestic stock from the area, controlling weeds and feral animals at the site, and conducting ongoing monitoring and reporting.<sup>63</sup>

## **Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 (Cth)**

This bill proposes to amend the EPBC Act to make bioregional plans disallowable instruments under the *Legislative Instruments Act 2003* No. 139 (Cth). This would mean that the plans would be subject to parliamentary oversight, rather than having the power to approve the adoption of these plans residing solely in the Environment Minister. This bill was introduced into the Senate and received its second reading speech on 2 March 2011. The bill

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<sup>60</sup> <http://www.environment.gov.au/water/publications/quality/guidance-for-management-of-acid-sulfate-soils.html>

<sup>61</sup> <http://www.environment.gov.au/minister/burke/2011/mr20110407.html>

<sup>62</sup> For a copy of the remediation determination see: <http://www.environment.gov.au/epbc/compliance/pubs/remediation-determination-singleton.pdf>

<sup>63</sup> For a copy of the remediation determination see:

<http://www.environment.gov.au/epbc/compliance/pubs/remediation-determination-rutledge.pdf>

was referred to the Senate Committee for inquiry and report. The interim report was issued on 27 May 2011.<sup>64</sup> The final report is expected to be tabled on 15 June 2011.

### **Product Stewardship Bill 2011 (Cth)**

The Product Stewardship Bill 2011 (Cth) establishes a national framework to manage the environmental, health and safety impacts of manufactured goods and materials across the lifecycle of a product, including the impacts associated with the disposal of a product. The bill received its second reading in the Senate on 23 March 2011 and was referred to the Senate Environment and Communications Legislation Committee. The interim report was issued on 14 April 2011.<sup>65</sup> The final report was tabled on 10 May 2011.<sup>66</sup>

The Committee made the following four recommendations:

- that as part of the framework legislation, a priority list of products to be covered by product stewardship schemes be developed and published annually
- that an advisory group consisting of waste management experts, industry representatives, environmental groups, community representatives and government be established to advise the environment ministerial council on declaring priority products
- that the legislation preserve or protect product stewardship schemes at the state level that are already underway so as to not reduce their targets or effectiveness
- that, subject to the recommendations made elsewhere in this report, the Senate pass the Product Stewardship Bill 2011 during the winter Parliamentary sittings.<sup>67</sup>

### **Environment Protection and Biodiversity Conservation Amendment (Prohibition of Support for Whaling) Bill 2010 (Cth)**

This bill amends the EPBC Act to make a new offence of providing 'any service, support or resources to an organisation engaged in whaling. The bill was referred to the Senate Environment and Communications Legislation Committee which released its report in March 2011. The report was tabled on 10 May 2011. The report notes that that Committee does not support the passage of the bill owing to concerns that the new offence provision is both unclear and too broad and that it may criminalise innocuous activities such as the provision of navigation warning or radiocommunications services.<sup>68</sup>

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

This private senator's bill introduced by Senator Scullion seeks to protect the interests of Indigenous people in the management, development and use of native title land situated in wild rivers areas in Queensland.

On 24 March 2011 the Senate referred the Wild Rivers (Environmental Management) Bill 2011 to the Senate Legal and Constitutional Affairs Committee for inquiry and report. The May 2011 report recommends that the Senate should not pass the Bill. The Committee concludes that:

the Bill is poorly constructed and confusing. Key terms and concepts are poorly

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<sup>64</sup> [http://www.aph.gov.au/senate/committee/ec\\_ctte/bioregional\\_plans/interim\\_report/report.pdf](http://www.aph.gov.au/senate/committee/ec_ctte/bioregional_plans/interim_report/report.pdf)

<sup>65</sup> [http://www.aph.gov.au/Senate/committee/ec\\_ctte/product\\_stewardship/interim\\_report/index.htm](http://www.aph.gov.au/Senate/committee/ec_ctte/product_stewardship/interim_report/index.htm)

<sup>66</sup> [http://www.aph.gov.au/Senate/committee/ec\\_ctte/product\\_stewardship/report/index.htm](http://www.aph.gov.au/Senate/committee/ec_ctte/product_stewardship/report/index.htm)

<sup>67</sup> [http://www.aph.gov.au/Senate/committee/ec\\_ctte/product\\_stewardship/report/report.pdf](http://www.aph.gov.au/Senate/committee/ec_ctte/product_stewardship/report/report.pdf) at p vii.

<sup>68</sup> [http://www.aph.gov.au/senate/committee/ec\\_ctte/whaling/report/report.pdf](http://www.aph.gov.au/senate/committee/ec_ctte/whaling/report/report.pdf) at [3.20-3.24].

defined and in some cases make no sense. The processes proposed are unworkable as well as being ill-advised. If implemented, the Bill would result in bad policy outcomes, as well as legal uncertainty for all stakeholders’.<sup>69</sup>

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<sup>69</sup> [http://www.aph.gov.au/senate/committee/legcon\\_ctte/wild\\_rivers\\_2011/report/report.pdf](http://www.aph.gov.au/senate/committee/legcon_ctte/wild_rivers_2011/report/report.pdf) at 20.