

DEVELOPMENTS IN THE A.C.T.

Joint Parliamentary Committee on the Australian Capital Territory

The Joint Committee on the Australian Capital Territory is currently inquiring into nature conservation policies and environmental management practices within those areas of open space in the ACT which are of "national significance".

As a result of submissions received and evidence given at a hearing held in April, the following issues have been identified as the most significant:

the extent of the National Capital Open Space System ("NCOSS");

how adequate, either through legislative or other means, is the protection for NCOSS areas;

the extent to which the Commonwealth Government contributes to the cost of environmental management in the ACT region in general, and the NCOSS in particular;

the need to control feral animals and exotic weeds; and

- the recreational and infrastructure needs of the community.

A final hearing day is scheduled for 15 June, and the Committee's Report is expected to be tabled not later than the end of November.

Assessment and management of contaminated sites

In order to overcome the *ad hoc* approach adopted in the absence of agreed standards and guidelines in regard to the assessment and management of contaminated sites, the Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council have jointly developed technical guidelines to be used as the basis of a common approach Australia wide. The main purpose of the *Australian and New Zealand Guidelines for the*

Assessment and Management of Contaminated Sites is to provide a framework for the proper and consistent assessment and management of contaminated sites in order to ensure that public health and environmental concerns are being addressed.

There is as yet no specific ACT legislation which addresses contaminated sites, however it is expected that the *Guidelines* will form the basis of any action taken by the ACT Government in regard to the assessment and management of such sites.

Meanwhile, the ACT Department of Environment, Land and Planning is developing a proposal for legislation to regulate all aspects of the identification, assessment and remediation of contaminated sites, and the Minister for Environment, Land and Planning expects that the Government will consider this proposal as part of the environmentally hazardous chemicals legislation to be considered by Cabinet later in the year.

It is also intended that the Territory Plan will comprise a Register of Contaminated Sites. The Draft Territory Plan, referred to in the March edition of the *AELN*, requires that any proponent of development on a site which is on the Register of Contaminated Sites, or on an adjacent block, must demonstrate, in accordance with the *Guidelines*:

- that the proposed land use is compatible with the contamination, or that the site is remediated to the point where compatibility may be demonstrated; and
- that there is no human health risk during and after development of the site.

As yet there is no public version of the Register in draft form, however the Department is working towards the establishment of the Register in the context of finalising the Territory Plan over the course of this year.

Licensing of mechanical ventilation and warm water systems in the ACT

Licensing requirements apply in the ACT for mechanical ventilation and warm water systems by means of amendments to the *Building Act 1972* ("the Act") which commenced operation on 17 May 1991. However, the requirement to obtain a licence to operate a mechanical ventilation or warm water system only came into effect on 17 November 1991. The task of implementing the legislative provisions was given, in early 1992, to the ACT

Public and Environmental Health Service, which has now completed a community consultation and education process, and is stepping up inspections to ensure compliance with the Act. The Health Service reports the response to the licensing requirement as "very responsible", although it is prepared, if necessary, to commence proceedings against any owner who has not initiated the licensing process within the next three months. In the context of the recent outbreak of Legionnaires' disease in Sydney, it is worthwhile to consider the operation of the Act in the ACT.

The licensing arrangements have been designed to avoid an outbreak of Legionnaires' disease by providing for:

- standards for the design, location, operation and maintenance of mechanical ventilation and warm water systems;
- licences for the operation of such systems;
- regular approved maintenance inspections and keeping of records to ensure that such systems meet the standards;
- powers to enable inspectors to check and take samples for testing; and
- powers to enable the Building Controller, on the advice of the Medical Officer of Health, to shut down a mechanical ventilation or warm water system and evacuate a building where a suspected or actual outbreak of Legionnaires' disease has occurred.

Any "specialised system", defined to mean a warm water system or a mechanical ventilation system, requires a "system licence". However, air conditioning systems which are located in dwellings, and evaporative air coolers and systems that utilise air cooling are not required to be licensed.

A person must not without reasonable excuse "operate" a specialised system except in accordance with a system licence. The Act provides for penalties of \$2,000 for a natural person and \$10,000 for a body corporate for breach of this requirement. A new system should have prior approval as part of normal building approval procedures and be inspected during installation or construction in accordance with the general provisions of the Act. Mechanical ventilation and warm water systems in existing buildings must also be licensed. In some instances these systems may need to be modified to meet current standards to

ensure that the system will not be contaminated by Legionella bacteria.

A licensee may appeal to the ACT Administrative Appeals Tribunal in regard to a decision relating to the refusal or conditions of a licence, suspension of a licence, and the issue of clearance certificates under the Act.

Saving Water in the ACT

A seminar entitled "Saving Water in the ACT: What Can We Do?", the eighth in the series Issues in Water Management, was held in Canberra in early June. The seminar, organised by the Australian National University's Centre for Continuing Education in cooperation with ACT Electricity & Water, ACT Department of Environment, Land & Planning, the Murray Darling Basin Commission and the Australian National Botanic Gardens, aimed to: increase awareness of relevant issues (such as water management for the future); formulate a strategy for educational and behavioural change for both professionals and the community; and suggest practical and appropriate initiatives.

Proceedings of the seminar, which are expected to be available by the end of June, can be obtained by ringing Shirley Kral at the ANU on (06) 249 4580.

National groundwater quality

The ninth seminar in the Issues in Water Management series, to be entitled "Aquifers at risk: Towards a national groundwater quality perspective", will be held in February 1993. Organised by the ANU in cooperation with the Bureau of Mineral resources, Geology and Geophysics, the conference aims to provide a scientific and community forum for discussing a range of groundwater quality issues including the processes involved in groundwater quality deterioration and the management, remediation and protection of the nation's groundwater systems.

Contributions are invited in the form of either papers or workshop sessions and should be forwarded as soon as possible to Shirley Kral, Centre for Continuing Education, ANU, GPO Box 4, Canberra, ACT 2601; telephone (06) 249 4580; fax (06) 257 3421.

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