

\* amending the criteria for the granting of permits in Section 17 to reflect Australia's obligations under the Basel Convention;

\* allowing permits to be for either one-off shipments or for ongoing trade (with Ministerial powers of revocation);

\* providing for a completely revised fee structure associated with the permit scheme;

\* vesting power in the Environmental Minister to enter into administrative arrangements to fulfil the objects of the Act;

\* giving the OECD Council Decision formal status; and

\* making provision for open standing to enable any interested person to seek judicial review of decisions made under the Act

Senator Faulkner also referred to the March 1994 decision of the Parties to the Basel Convention to ban exports for recycling or recovery operations from OECD to non-OECD countries by the end of 1997. No firm decision to implement the March 1994 decision has been made to date by the Government. The Government originally opposed the international resolution to bar the export of recyclable materials from OECD to non-OECD countries.

It is the Government's policy that hazardous wastes going for final disposal should only be exported in exceptional circumstances. It is proposed that this policy will be inserted in the amended Act.

The Government is currently preparing an exposure draft of the Bill to be examined by interested stakeholders.

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## AUSTRALIAN CAPITAL TERRITORY

Amendments to the Nature Conservation Act 1980 (ACT) ("the Act") came into operation on 8 February 1995. The amendments were enacted by the Nature Conservation (Amendment) Act (No. 2), No. 110 of 1994. The major changes to the Act are reported below.

### Management Agreements

Of most significance to nature conservation within the ACT is the creation of Management Agreements between the Conservator and "an agency". Such an agreement is required when the Conservator considers that the activities of an agency may affect land designated by the Act as "controlled land" or that those activities may conflict with the land management objectives for that land.

The term "agency" is defined in the Act as:

- (a) a supplier of gas, electricity, water or sewerage services;
- (b) a person responsible for the construction, repair and maintenance of navigation serving beacons and telecommunication towers; or
- (c) a person responsible for a development of land.

"Controlled land" is defined by the Act as:

- (a) public land; or
- (b) Territory land which is not subject to a lease within the meaning of subsection 159 (1) of the Land Act.

The Management Agreement will set out standards and conditions for avoiding or

minimising any conflict with land management objectives for the land. The Management Agreement can deal with a number of matters including those set out in the Act such as access to land; fire management; rehabilitation of land and feral animals and weed control.

The Conservator consults with the agency before proposing a Management Agreement and the agency is given an opportunity to make submissions before signing the agreement.

There are no criminal sanctions for refusing to sign or breaching a signed Management Agreement but in both situations the Act gives the Territory the right to recover reasonable costs incurred for the repair of any damage to controlled land caused by the agency's activities.

## **Prohibited and Controlled Organisms**

The amendments give the Conservator power to declare organisms of a particular kind to be prohibited organisms or controlled organisms thereby bringing them within the Act.

## **Conservation Directions**

The Conservator no longer needs to issue an advice before issuing a direction. Directions can now be given by the Conservator for the protection or conservation of native animals, plants and timber, requiring compliance in a specified period. Failure to comply results in a substantial fine of \$10,000 for protection and conservation issues or \$5,000 otherwise.

## **Other Amendments**

Other amendments under the Nature Conservation (Amendment) Act (No. 2), 1994, are due to come into operation at least 6 months after 8 February 1995. They include amendments to existing

provisions and the creation of a system of on the spot fines.

The amendments represent the final stage of review of the Nature Conservation Act by the ACT legislature.

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