

LETTERS

Mr Lachie Wilkinson
Biodiversity Conservation Branch
Environment Australia
GPO Box 636
CANBERRA ACT 2601
Facsimile: 06 250 0723

Dear Mr Wilkinson

In response to your organisation's request for comments on the background paper for the third meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to the Convention on Biological Diversity, outlined below is a matter that the National Environmental Law Association (NELA) would like the Australian delegation to consider in its approach to the meeting, noting that the main focus of the SBSTTA at this forthcoming meeting will be towards inland water ecosystems.

NELA believes that all *Parties to the Convention* need to be encouraged to develop national legislation which indirectly and directly protects inland water ecosystems. In Australia, the federal government indirectly protects inland water ecosystems through the application of the *Environment Protection (Impact of Proposals) Act 1974*, the *Australian Heritage Commission Act 1975*, the *National Parks and Wildlife Conservation Act 1975*, the *Wildlife Protection (Regulation of Exports and Imports) Act 1982*, and the *Endangered Species Protection Act 1992*. The federal government however, does not directly protect inland water ecosystems since it has yet to develop national legislation for the conservation of important wetlands and inland waters which it has however identified in a national directory.

Perhaps the Australian delegation could request that the SBSTTA consider drafting "model legislation" aimed at the conservation of inland water ecosystems?

Yours sincerely

Greg McIntyre
PRESIDENT
National Environmental Law Association

Mr Brendan Carroll
Project Manager
NEPC
Level 5, 81 Flinders Street
ADELAIDE SA 5000
Facsimile: 08 8224 0912

Dear Mr Carroll,

On behalf of the members of the National Environmental Law Association (NELA), I request that you consider the following point in relation to the recently released National Environment Protection Council Committee's paper on ambient air quality and the subsequent development of a proposed draft Environmental Impact Statement.

National NEPM for Ambient Air Quality (P.199-212)

NELA believes that all Australians must undertake action in order to comply with the proposed measure and therefore, it is essential that a minimum penalty be identified for each pollutant so that all levels of government can apply a nationally uniform penalty when prosecuting those individuals and/or corporations who can be shown to have contributed to a neighbourhood (air shed) exceeding the standard within a particular year.

NELA recommends :

that Schedule B(p206) include a column titled "minimum penalty" and that these penalties be based on a median value for each pollutant which, in some instances, are already listed in a number of existing air quality laws and regulations.

I thank you for the opportunity to provide comments to the paper on ambient air quality and for inviting NELA to be present at the non-government stakeholders meeting which was held in Canberra on the 18 July 1997. NELA supports the process of developing a National Environmental Protection Measure for Ambient Air Quality for Australia and looks forward to the release of the draft Environmental Impact Statement.

Yours sincerely

Greg McIntyre
PRESIDENT
National Environmental Law Association

National Environment Protection Council

Mr Greg McIntyre
President
National Environmental Law Association

Dear Mr McIntyre,

Thank you for your submission on the discussion paper "*Towards a National Environment Protection Measure for Ambient Air Quality*".

The project team will consider your submission during the development of the *Draft Ambient Air Quality National Environment Protection Measure* (NEPM) and the *Impact Statement*.

It is expected the the National Environment Protection Council will consider the release of the *Draft Ambient Air Quality National Environment Protection Measure* and the *Impact Statement* for full public consultation at its meeting in November 1997. The consultation period will be at least two months.

The NEPC Service Corporation has a database of people and organisations intgerested in the Ambient Air Quality NEPM. This enables us to send out updates on the development on the NEPM. If you are not already on our database your name and contact details will be added.
Yours sincerely,

Lynette White
Ambient Air Quality NEPM
NEPC Service Corporation
Phone: 08 8419 1200 Fax: 08 8224 0912

Foreign Affairs and Trade

Mr Nelson Quinn
c/- National Secretariat
National Environmental Law Association

Dear Mr Quinn

I am pleased to provide you with a copy of *Australia and Climate Change Negotiations: An Issues Paper* which has been prepared by officials at the request of the Commonwealth Government to inform Australians of the implications of the current international climate change negotiations.

The climate change negotiations are of critical importance for Australia - both from an environmental perspective and because of the potential economic impact on the nation. The Government has agreed to release this Issues Paper in advance of the climate change conference planned for Kyoto, Japan in December of this year in order to provide an opportunity for greater consultation with the wider community.

This wider consultation will occur through two means. We are seeking written comments on the issues raised in the paper and we will be holding consultation sessions in key capital cities during October and November. You will be provided with details of these consultation sessions once they are finalised. I encourage you to become involved in the consultation process as your comments would represent a valuable input to the Government's deliberations in finalising its approach to the Kyoto conference.
Yours sincerely,

Meg McDonald
Ambassador for the Environment

Rio Tinto

Mr Greg McIntyre
President
Nastional Environmental Law Association

Dear Mr McIntyre,

In 1996 Rio Tinto was one of the first four companies to sign a voluntary cooperative Agreement with the Federal Government under the Greenhouse Challenge program. Last month we submitted our first annual Greenhouse Challenge Progress Report to the Government.

I am pleased to send you the enclosed booklet, "*Rio Tinto's approach to Greenhouse in Australia*", that outlines our comprehensive approach in Australia to the issue of human induced climate change or "greenhouse". It also explains the actions that the Group is taking to reduce emissions of greenhouse gases from its Australian operations.

Our first year in the program has been successful - in 1996 our emissions were about 11.5% lower than what they would have been if we had not participated in the program. We are committed to the program, and we will continue to identify areas where improvements can be made and emissions can be further reduced.

I hope that this booklet will also assist your understanding of the potential impact of policy responses to climate change on Australia's ability to produce and export mineral products. We are interested in your opinions about greenhouse. If you would like to make any comment about our approach or about greenhouse generally, please use the enclosed reply fax back sheet.
Yours sincerely,

Barry Cusack
Managing Director - Australia
GPO Box 384D Melbourne 3001
Telephone: 03 9282 3333 Fax: 03 9283 3707

Mellor Ollson

Mr Greg McIntyre
President
National Environmental Law Association

Dear Greg,

As you are probably aware, there has been a dispute for quite some time as to whether legal costs incurred in running courses in the various Environment Courts are deductible expenses if the cases are run by businesses.

I have had brought to my attention a copy of a recent decision in the Administrative Appeals Tribunal in which the Tribunal has held that expenditure to prevent an approval of development, which appeared to be clearly inconsistent with the current law, was expenditure of a capital nature and therefore not deductible. I enclose a copy.

May I suggest that this is an issue which the National Environmental Law Association should take up with Canberra. Clearly, environmental lawyers are disadvantaged in comparison with lawyers running cases disputing contracts or claiming damages.

All the best

Yours sincerely,

Michael Beamond
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Adelaide SA 5001
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**17th Annual
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Environmental Law
Conference
25 - 27 March
1998**

**Presented and Hosted by
NELA (ACT Division)**

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