

RECENT DEVELOPMENTS

Victoria

1. Statutes, Regulations and Bills

1.1 Environment Protection (Enforcement and Penalties) Bill 2000

At the time of writing, the Bill had passed through the Lower House.

The Victoria Division of NELA is holding a seminar on the Bill on 6 July 2000.

1.1.1 Penalties

The Bill aims to '*strengthen the Environment Protection Act by substantially increasing penalties and enhancing the enforcement capabilities of the EPA*'. (Second Reading Speech).

If passed, the bill will increase most maximum penalties significantly. For example the Bill changes maximum penalties for:

- (a) disposal of industrial waste without a licence from \$40,000 to \$500,000; and
- (b) pollution of water and atmosphere without a licence from \$20,000 to \$240,000;

Maximum penalties for aggravated pollution offences remain at \$1M for companies and \$250K and/or 7 years imprisonment for individuals.

The Bill also changes many of the previously summary offences to indictable offences. Finally, the Bill allows the court to impose non-monetary penalties instead of or in addition to the fines. For example, the court may order that the offender undertake an environmental audit, publicise the consequences of its actions or undertake a specified project for the restoration or enhancement of the environment in a public place or for the public benefit.

1.1.2 Other Matters

The Bill also proposes to:

- (a) Integrate the noise control system into the existing pollution abatement system. That is, pollution abatement notices will be able to be issued to force a person to 'abate' the noise if the EPA is satisfied that the activity is causing or likely to cause noise that it considers unreasonable.
- (b) Broaden the offence relating to industrial waste.
- (c) Extend the landfill levy to apply to cover material.
- (d) Give the EPA greater power to make regulations (eg to exempt people from provisions of the Act; proscribe fees for services; and to meet the government's commitment to prohibit the supply of solid fuel combustion hearers that do not meet the standard emission requirements).

1.2 Planning and Environment (Amendment) Act 2000

The *Planning and Environment (Amendment) Act 2000* was passed on 30 May 2000. The

Act amends the *Planning and Environment Act 1987* and the *Building Act 1983* by:

- (a) Increasing the maximum penalties for planning infringements from \$4000 to \$120,000.
- (b) Requiring building surveyors to ensure that building permits are checked for consistency with planning permits. This amendment means that planning permits must be obtained prior to issuing a building permit.
- (c) Requiring council consent for demolition of more than 50% of a building. In calculating the 50%, any demolition of the building which occurred in the previous three years, will need to be included. This amendment allows council to apply to amend the planning scheme to place a property under a Heritage Overlay and prevent the demolition.
- (d) Requiring council to consider applications for amendments to planning permits by reference to current Government policies and the planning scheme of the day. The Government has indicated that a further bill will be introduced to make restrictive covenants more effective against uncharacteristic neighbourhood developments.

1.3 Flora and Fauna Guarantee (Amendment) Bill 2000

If passed, the Bill will create further lists of flora and fauna protected by the *Flora and Fauna Guarantee Act 1988*.

2. Discussion Papers and Government Projects

2.1 Residential Code 2000

Residential Code 2000 Taskforce is drafting a new comprehensive residential planning code.

2.2 Septic Tanks

Comments have closed on a Discussion Paper outlining possible legislative changes related to septic tanks, which have been regulated by the *Environment Protection Act 1970* since 1990.

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