

RECENT DEVELOPMENTS

Victoria

Environment Protection (Enforcement and Penalties) Act 2000

This Act was passed in early June and received Royal assent on 14 June 2000. The substantive provisions came into effect on 9 July 2000. As mentioned in the June 2000 edition of AELN [under Recent Development(VIC)] the Act introduces significant amendments to the *Environment Protection Act 1970*.

The Minister for the Environment and Conservation, Sheryl Garbutt stated in her second reading speech that :

“The primary aim of the bill is to strengthen the Environment Protection Act by substantially increasing penalties and enhancing the enforcement capabilities of the EPS”

In summary the Environment Protection (Enforcement of Penalties) Act:

Significantly increases existing penalties for over 50 offences in addition to increasing infringement notice penalties.

- Introduces non-monetary penalties by the insertion of a new section 67AC. (such as the publication of an offence)
Converts many previously summary offences to indictable offences.
Places a maximum penalty cap of \$100,000 in the Magistrates Court for these new indictable offences. Cases warranting the imposition of higher penalties will be removed to the County or Supreme Courts.
- Integrates a noise control system into the existing pollution abatement system.
- Extends the current land fill levy under section 50S of the Environment Protection Act to cover all wastes going to land fill. (Previously the levy did not apply to clean soil or other material used to cover waste)
Requires regional waste management groups to submit Annual Business plans. (new section 50L)
Increases the regulation making power of the Environment Protection Authority with the insertion of a new section 53P which enables the making of regulations with respect to the labelling of appliances, products or things capable of emitting waste to indicate whether they comply with a specified standard or to prohibit the supply of such an appliance which is not labelled nor meets the standard.

Prescribed and Hazardous Waste

A Regulatory Impact Statement has been released for public comment, proposing the following changes to the *Environment Protection (Prescribed Waste) (Amendment) Regulations 1998*:

- (a) establishing a new offence prohibiting waste producers, transporters and receivers from providing misleading or incorrect information on a transport certificate; and
- (b) facilitating reuse, recycling and energy recovery by extending the exemption provisions to include ‘classes of people’ as well as individuals.

Environmental Reporting

The Public Accounts and Estimates Committee released Issues Paper No 4 June 2000: Follow-Up Inquiry into Environmental Accounting and Reporting. The Paper considered recommendations made by the Committee in its Interim Report tabled in June 1999. The Victorian Government supported the recommendations in broad terms which included:

- The re-introduction of State of the Environment reporting
- The implementation of public sector environmental reporting, and
- The encouragement of reporting by the private sector

NELA (Vic) made a submission on the ISSUES Paper offering strong support for any initiatives which will promote environmental accounting and reporting and improve the quality of reports. Copies of the Issues Paper can be obtained from www.parliament.vic.gov.au/paec/rep3.pdf

The Committee is scheduled to hold public hearings in August/September 2000. The Committee's Final Report is due to be tabled in November 2000.

Draft Air Quality Management SEPP

In February 1999, a new SEPP was introduced on the air environment, called SEPP (Ambient Air Quality) (*AAQS*). It implements the National Environment Protection Measure (*NEPM*) for Ambient Air Quality in Victoria. The AAQS sets ambient air quality standards for the six most common pollutants, and contains monitoring and reporting requirements which reflect the NEPM.

At the same time, an SEPP introduced in 1981 was renamed SEPP (Air Quality Management) (*AQMS*) and modified so as to avoid overlap and provide a management framework for achieving the goals in the AAQS.

The EPA is currently reviewing the AAQS and has released a preliminary draft and an Air Quality Improvement Plan for public comment. (available at www.epa.vic.gov.au/envquality/air/AQIP/AQIP) The draft:

- (a) provides that generators of emissions must comply with the aims, principles and policies set out in the SEPP, such as pursuing continuous improvement in environmental management practices;
- (b) provides mechanisms for assessing neighborhood air quality and intervening when the standards are exceeded; and
- (c) addresses motor vehicle emissions by fuel specifications and efficiency and reduction incentives.

The draft says that the EPA will develop and implement an enforcement policy to achieve the aim and intent of the policy.

Victorian Greenhouse Strategy

On 18 August 2000, a discussion paper was released on the Victorian Greenhouse Strategy. Comment is invited by 17 November on the following issues among others:

- the broad strategic approach that should be adopted in the Victorian Greenhouse Strategy;
- the major opportunities and priorities for action to reduce Victoria's greenhouse gas omission; the potential economic, social and environmental implications of any proposed action to reduce greenhouse omission; and
- any substantial issues that have not been adequately addressed in the discussion paper.

Flora and Fauna Guarantee (Amendment) Act 2000 No.10

The substantive provisions of the Act come into operation on 1 September 2000 unless proclaimed otherwise. The Act replaces the procedure for listing flora, fauna and threatening process in the Schedules to the Act with a procedure for listing by Order of the Governor in Council on the recommendation of the Minister. The Order must be published in the Government Gazette

National Parks (Amendment) Act 2000

Although the Act was passed on 2 June 2000 most of its provisions come into effect on 1 February 2001. The Act adds various parcels of land to National Parks across Victoria. In particular, previous parcels of land excised from the Alpine National Park by the Kennett Government have been return to National Park status.

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