

Governor-General outlines the Government's Environmental Priorities

In his speech at the opening of the Fortieth Parliament on 12 February 2002, the Governor-General presented the Government's environmental priorities for the current parliamentary term. These are:

- a whole of government approach to sustainable environmental issues, including establishment of a Sustainable Environment Committee of Cabinet chaired by the Prime Minister;
- immediate action to tackle salinity and water quality issues, with \$1.4 billion to be provided by Commonwealth, State and Territory governments under the National Action Plan for Salinity and Water Quality, complemented by extension of the Natural Heritage Trust; and
- a funding package of \$1 billion over five years for greenhouse gas abatement.

New Wildlife Trade Regime Comes into Force

(See also *National Environmental Law Review* No 3/2001)

The new wildlife trade regime, introduced as Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*, came into force on 11 January 2002. The Environment Protection and Biodiversity Conservation Amendment Regulations 2001 (No 3) were gazetted on 13 December 2001.

The new regime regulates the export of native animals and plants, the import of live animals and plants and the export and import of species listed under the *Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)*.

Announcing the commencement of the legislation, the Acting Minister for the Environment and Heritage, Senator Amanda Vanstone, said that the new measures will:

- promote biodiversity conservation and protect wildlife that may be adversely affected by trade;
- ensure that commercial uses of exported Australian native wildlife are managed in an ecologically sustainable way; and
- promote the humane treatment of wildlife.

The new controls will apply to transactions by museums, zoos, scientific institutions, commercial organisations, tourists, migrants and the general public.

Further information on the new legislation is available at the web site www.ea.gov.au/biodiversity/trade-use/legislation/changes.html or on 1800 803 772.

Regional Forest Agreements Bill 2002

On 13 February 2002, the Government reintroduced the Regional Forest Agreements Bill into the Senate. The Bill is similar to the Regional Forest Agreements Bill 2001, which had not been passed when Parliament rose for the November 2001 federal election. The report on the 2001 Bill by the Senate Rural and Regional Affairs and Transport Legislation Committee, which was tabled on 26 September 2001, recommended that the Bill be passed unamended.

The Bill seeks to provide legislative backing for Regional Forest Agreements (RFAs), especially the resource security provisions of RFAs. It aims to:

- ensure that the Commonwealth is bound to the termination and compensation provisions of RFAs and cannot effectively change those provisions without legislative action ;
- prevent the application of the *Australian Heritage Commission Act 1975* and Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* to forestry operations subject to an RFA;
- preclude the application of export controls to wood sourced from an RFA region; and
- bind future governments to consider advice from the Forest and Wood Products Council on the implementation of the Forest and Wood Products Agenda.

Although the Bill seeks generally to prevent the operation of Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* (ie the environmental assessment and approval provisions of the Act) to forestry operations subject to an RFA, section 42 of the EPBC Act provides that Part 3 of the EPBC Act would apply to any RFA forestry operations in a World Heritage area or a Ramsar wetlands.

The Australian Labor Party supports the Bill, but has foreshadowed that it will be proposing amendments at the committee stage. A motion by the Australian Democrats to have the Bill referred to the Rural and Regional Affairs and Transport References Committee was defeated by the combined votes of the Government and Opposition. Senator Brown (Australian Greens) opposes the Bill.

The RFA process has its origins in the National Forest Policy Statement, signed in December 1992. The process was given major impetus by the social unrest arising from the 1994 woodchip licence decisions. Ten RFAs were completed between November 1997 and April 2001, covering regions in NSW, Victoria, Western Australia and Tasmania. The Explanatory Memorandum to the Regional Forest Agreements Bill 2002 provides the background to the Bill and a summary of the RFA process.

Renewable Energy Legislation – update

The *Renewable Energy (Electricity) Act 2000* (the Act) introduced a requirement for electricity retailers and other large purchasers of electricity to source an additional 2 per cent of their electricity purchases from renewable or specified waste-product sources by 2010. This requirement, amounting to 9500 GWh per year, known as the Mandatory Energy Renewable Target, is being phased in over the period 2001–2010.

Under the Act, eligible and liable parties were required to demonstrate compliance with the legislation by 14 February 2002 and to submit returns to the Regulator. Eligible parties are generators accredited in 2001 to create and trade in renewable energy certificates (RECs). Liable parties are purchasers of electricity who are required to surrender RECs or pay a financial penalty.

In January 2002, the Office of the Renewable Energy Regulator (ORER) released information on the creation of RECs in the first year of operation of the Act. Over 120 renewable energy power stations have been accredited, and over 600, 000 RECs have been created. This is double the target of 300, 000 RECs for 2001.

The ORER released draft amendments to the *Renewable Energy (Electricity) Regulations 2001* for public comment in January 2002. The proposed amendments concern issues relating to solar water heaters and the renewable power percentage for 2002. Copies of the draft amendments are available via the ORER web site at www.orer.gov.au.

Gene Technology Regulator Issues First Licence Under New Legislation

(See also National Environmental Law Review No 3/2001)

The Gene Technology Regulator, Dr Sue Meek, announced on 19 January 2002 that she had issued the first licence under the *Gene Technology Act 2001* to trial a genetically modified crop.

The licence permits Cotton Seed Distributors to carry out a limited and controlled release of two types of genetically modified insecticidal or insecticidal and herbicide resistant cotton on a 122-hectare site in the shire of Emerald in Queensland. Both types of cotton were previously trialled in Australia under the former voluntary scheme overseen by the Genetic Manipulation Advisory Committee.

Dr Meek has placed a number of conditions on the licence, including monitoring provisions and a requirement that research be undertaken during the trial to assist Dr Meek in making future determinations.

Further information on the licence, including the specific location of the release, is available at the web site www.ogtr.gov.au.

Purnulla National Park nominated for World Heritage Listing

The Minister for the Environment and Heritage, Dr David Kemp, announced on 2 February 2002 that Australia has formally nominated the Purnullu National Park in the isolated east Kimberley region of Western Australia for World Heritage Listing with UNESCO. The State Government supports the nomination.

The region is being nominated as 'a cultural landscape with outstanding natural and cultural values', said Dr Kemp. 'It includes the distinctively-banded orange and grey sandstone towers of the Bungle Bungle Range, with its spectacular domes, gorges and wet season waterfalls' he said. Dr Kemp commented that culturally the region is very special, as the Aboriginal traditional owners maintain their connection to the country as an integral part of their lives.

The area contains rock art sites and hundreds of other archeological sites, including stone quarries, burial sites, sites scattered with other artefacts and others which contain records of contact with Europeans.

The assessment process is expected to take about 18 months, and will include on-site assessments and international comparisons, before a decision by the World Heritage Committee in June 2003.

Food and Grocery Sector releases its first Public Environment Report

The Australian Food and Grocery Council released in December 2001 its first public environment report. The Council produced the report with assistance from the Commonwealth Government. It is the first to be produced under an Eco-Efficiency Agreement with Environment Australia, said Environment and Heritage Minister, Dr David Kemp.

The report provides information on the environmental performance of the Council's members companies, based on data collected in 1993, 1996 and 2001. It reports on water and energy use and steps taken to manage waste and reduce the impact of packaging. The report indicates significant gains in relation to water management, with more than half of the food and grocery companies surveyed reporting a significant reduction in waste water.

Dr Kemp commented, however, that 'while companies that are signatories to the National Packaging Covenant between industry and governments are making progress in reducing packaging waste, most companies are still not stipulating Covenant membership or other environmental standards from suppliers'.

The report is available at the AFGC web site at www.afgc.org.au.