

At the conclusion of the conference, resolutions were adopted calling for:

1. Introduction of catchment management legislation, covering all land use change (without exemption), salinity and other landscape processes, following established best practice models.
2. Amending the *Water Management Act 1999* (Tas) to:
  - Expand membership of the *Assessment Committee for Dam Construction* (ACDC) to include a conservation member.
  - Expand scope to consider all water usage and efficiency issues e.g. recycling, interception.
3. Tasmania immediately resuming negotiations on the National Water Initiative.

Proceedings of the conference are available at the EDO (Tas) website: <http://www.edo.org.au/edotas/>

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## AUSTRALIAN CAPITAL TERRITORY

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### Human Rights Legislation in Force

Despite all the fuss and threats of federal intervention to overturn the legislation, Australia's first human rights legislation has now been in force what has been a very quiet 4 months. In reality, this is likely to continue for some time. While the government has been urging lawyers to take an active interest in the Human Rights Act and to help in building a human rights culture in the ACT, the largely toothless Act provides little practical scope for them to do so.

Under the jurisdiction of the ACT Human Rights Office (previously responsible for administering the Discrimination Act), section 41 of the Human Rights Act requires the Office to: review the effect of Territory laws on human rights and report in writing to the Attorney-General (which is later tabled in the Legislative Assembly); provide human rights education; and advise the Attorney-General on anything relevant to the operation of the Act.

There are no enforcement procedures available under the Act in the event that human rights are breached. What the Act does allow for, is the Supreme Court to make a declaration that particular legislation is 'incompatible' with the various human rights protected by the Act. This requires a written response from the attorney general to be tabled in parliament, however it does not require an amendment to the law itself.

The ultimate aim of the legislation however, is long term in nature. Generally aligned with the International Covenant on Civil and Political Rights, the Act has been proposed as a means of creating a cultural shift in the Territory, both in the creation of public law and policy, and in the interpretation of the common law. Unfortunately, while there is a lack of national leadership on the statutory protection of human rights, this shift may be a long time in coming.

To download a copy of the legislation or see more on human rights development in the ACT, visit the Human Rights Office website at [www.hro.act.gov.au](http://www.hro.act.gov.au).

### Greenhouse Emissions Legislation for the Electricity Industry

Following in the footsteps of NSW with deliberately similar and compatible legislation, is the *Electricity (Greenhouse Gas Emissions) Act 2004*. The Act sets binding targets for reductions in greenhouse gas emissions (on a per capita basis) of retail suppliers, market customers and on a voluntary basis, large users in the electricity industry. Greenhouse gases are defined to include carbon dioxide, methane, nitrous oxide, sulphur hexafluoride and perfluorocarbon gases, with the ability to include others by regulation.

Known as "benchmark participants", entities bound by the legislation are required to reduce their emissions by either creating or purchasing greenhouse gas abatement certificates. Certificates can only be created by

accredited providers. This can be achieved in accordance with the Act, but accreditation is also open in relation to activities undertaken in other States where there is a mandatory scheme for the reduction of greenhouse gas emissions (currently only in NSW). The use of certificates from the NSW scheme to satisfy obligations under the ACT scheme is specifically contemplated by s.18 of the Act.

Regulations are yet to be passed to set the penalty for failing to comply with greenhouse gas targets, although it is anticipated that this and the regulations generally will largely be a copy of the NSW scheme, where the penalty is currently at \$10.50 for every tonne of CO<sub>2</sub> by which a benchmark participant fails to meet their target. At the date of publication, the regulations in draft form are being considered by the Minister and expected to be passed before the end of the year.

The ACT scheme will be administered by the Independent Competition and Regulatory Commission, with the first targeted reduction set for 2005.

In the absence of national legislation mandating a reduction in greenhouse gas emissions, it is likely that this state-by-state approach will continue. The various Australian states in recognition of this, are currently contemplating the structure of a multi-state approach to reducing greenhouse emissions and have engaged various consultants to assist in the structuring of such a scheme.

## **Interim Apartment Guidelines**

These guidelines for mixed-use and high density residential developments in the Territory were adopted on 10 October 2004 and are open for public comment until May 2005. They are intended to form part of the suite of planning guidelines that the ACT Planning & Land Authority (PLA) is developing for its Register. Environmentally sustainable development guidelines are also in development by the PLA.

The guidelines apply to development applications for four storey or more developments, lodged after 6 November 2004 in particular zoning areas of the Territory. The guidelines are aimed at providing a diversity of accommodation and contain a number of design elements, as well as requirements for the provision of ventilation, access to sunlight, noise considerations, open space and both car and bicycle parking requirements.

The Apartment Guidelines and other guidelines available from the PLA can be accessed at the online Register [www.actpla.act.gov.au/plandev/planning\\_register/](http://www.actpla.act.gov.au/plandev/planning_register/) and feedback on the guidelines can be provided to [actpla.feedback@act.gov.au](mailto:actpla.feedback@act.gov.au).

## **Government Response to State of the Environment Report**

The Commissioner for the Environment's State of the Environment Report (which can be viewed at [www.environmentcommissioner.act.gov.au](http://www.environmentcommissioner.act.gov.au)) released in March of this year, has received a generally positive response from the ACT Government. However, the Government has reserved its position in relation to the Dr Purdie's recommendations for significant action on greenhouse gases, and for the application of the water abstraction charge to catchment management and water efficiency programs.

The water abstraction charge is a fee charged to water users that attempts to reflect the true cost of water supply incorporating (among other things) environmental sustainability issues, and was the subject of extensive review by the Independent Competition and Regulatory Commission in 2003. The Government has indicated that it will not commit to directing the excess funding raised through this levy to particular programs.

The greenhouse recommendations relate to an expenditure of approximately \$114 million in order to achieve a reduction target previously recommended by the Commissioner. The government has essentially stated that it needs to consider this proposal further, given the level of expenditure required.

Further developments of the ACT government in relation to its water policy can be viewed at the "Think water, act water" policy site [www.thinkwater.act.gov.au](http://www.thinkwater.act.gov.au).