

25 years of environmental regulation and compliance

- NSW introduces the *Environmental Offences and Penalties Act* creating a criminal regime with penalties of \$1 million and up to seven years jail
- The Commonwealth introduces the *Ozone Protection and Synthetic Greenhouse Management Act* to regulate ozone-depleting substances and commits to the Vienna and Montreal protocols on ozone-layer protection

- *NSW Local Government Act* emphasises the environmental responsibilities of local councils, including consideration of the principles of ecologically sustainable development
- High Court finds, in the context of a pollution offence, that corporations cannot claim privilege against self incrimination – *Environment Protection Authority v Caltech Refining Co Pty Ltd*
- South Australia passes *Environment Protection Act* consolidating the regulation of air, marine, noise, waste, water, development and other environmental issues under one statute

- Labor's uranium three-mine policy is abandoned by Howard Coalition Government
- The Commonwealth passes the *Airports Act*, which includes a requirement for airports on commonwealth land to develop and comply with an environmental strategy



- NSW bring in its *Waste Minimisation and Management Act* establishing a framework for the strategic planning and funding of waste reduction and enshrining the need to consider the waste hierarchy
- Queensland enacts the *Coastal Protection and Management Act* to provide for the protection, conservation, rehabilitation and management of the coastal zones

- The *NSW Water Management Act* is introduced for the primary purpose of the sustainable and integrated management of the state's water
- The *Queensland Water Act* provides a framework for planning and regulation of use and control of water
- The Commonwealth passes the *Renewable Energy (Electricity) Act* setting an aim to generate 20% of Australia's power needs through renewables

- Commonwealth introduces the *Environment Protection and Biodiversity Conservation Act* to consolidate statutes enacted for Australia to meet its international environmental obligations
- The *Queensland Vegetation Management Act* is introduced in order to consolidate earlier changes to its Land Act that designated vegetation removal control on 70% of leasehold and other state land

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- NSW Environment Protection Authority replaces the State Pollution Control Commission as the state's peak environmental regulator
- The NSW Court of Criminal Appeal in *Tiger Nominees Pty Limited v State Pollution Control Commission* holds that an employer can be vicariously liable for pollution of water caused by its employee



- Coode Island in Melbourne draws attention to the environmental and safety risks associated with hazardous chemicals and kick-starts an extensive community response to the siting of such facilities
- South Australia introduces its *Native Vegetation Act* both to provide incentives and assistance to landowners to preserve native vegetation

- NSW introduces its *Contaminated Land Management Act* establishing a process for investigating and remediating land where contamination presents a significant risk of harm to human health or the environment
- *NSW Native Vegetation Conservation Act* brings under one regime controls on the clearing of native vegetation through the use of a regional vegetation management plan
- *NSW Protection of the Environment Operations Act* creates single statute to cover clean air, water, noise, pollution, waste and environmental offences

- Australia brings into force the UN Framework Convention on Climate Change, which aims to stabilise the concentration of greenhouse gases at 1990 levels by 2000
- Tasmania brings in its *Environmental Management and Pollution Control Act* and Queensland adopts its *Environment Protection Act*, largely in line with other states, creating a regulatory regime along the lines of ecological sustainable development through water, air, noise and waste management policies

- The Esso Longford gas explosion in Victoria results in new Major Hazard Facility legislation in that State and later in other Australian states and territories
- The National Environment Protection Council passes measures on Ambient Air Quality, Movement of Controlled Waste between States and Territories and creates the National Pollutant Inventory for adoption in each Australian jurisdiction

- Federal Court rules in *Booth v Bosworth*, that world heritage area protection can extend beyond the geographic area to protect animals the move in and out of the area, such as the threatened fruit bats in that instance
- NSW passes the *Waste Avoidance and Resource Recovery Act* and the *Waste Recycling and Processing Corporation Act*, which moves waste management away from decentralised boards to state-wide bodies that fund and operate waste facilities in NSW
- *Victoria's Environment Protection Act* is updated to incorporate the principles of ecologically sustainable development in setting policy and decision making on environmental matters

- Victoria adopts the *Environment Protection (Resource Efficiency) Act* designed to support innovation in resource use and management to reduce negative ecological effects

- Victoria brings in the *Water (Resource Management) Act* to create processes for the development of sustainable water strategies and establishing an environmental water reserve

- Western Australia adopts the *Planning and Development Act*, with the objective of promote the sustainable use and development of land in the state

- SA enacts the *Environment Protection (Site Contamination) Amendment Act* to introduce a site contamination regime

- The Commonwealth introduces the *National Greenhouse and Energy Reporting Act* as a prelude to developing an emissions trading scheme

- Joint control between Commonwealth and relevant state is created over the Murray-Darling River Basin through the *Water Act* establishing a framework for water charges and water trading

- In December, Prime Minister Kevin Rudd signs Australia's instrument of ratification of the Kyoto Protocol, which comes into effect the following year



- NSW introduces its *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation* creating the most prescriptive approach to underground tank management in Australia

- Queensland's *Water Supply (Safety and Reliability) Act* is introduced to regulate, among other issues, the reuse of recycled greywater, sewage and industrial water

- Victorian Industrial Waste Regulations modernised. Asbestos-containing soil re-categorised as "hazardous waste"

- The Victorian Auditor General recommends major improvements to contaminated land management following the discovery of methane leaks at the Brookland Greens Estate, which was built on an old landfill

- Queensland enacts the *Greenhouse Gas Storage Act* to regulate the long-term storage of greenhouse gases, primarily in relation to tenure and access issues

- The Commonwealth Government develops its "one-stop-shop" policy to facilitate *EPBC Act* referrals under State and Territory agencies to remove duplication on the environmental assessment process

- NSW Court of Appeal hands down two landmark decisions in *Shannongrove v EPA* and *EPA v Terrace Earthmoving* by defining "waste" subjectively in interpreting the meaning of a substances that has been "discarded, rejected, unwanted, surplus or abandoned" by the owner

- NT creates its first Environment Protection Authority responsible for environmental assessment, waste management and other compliance issues

- Amendments made to the NEPM on Assessment of Site Contamination introduced reflecting a decade of advances in our understanding of site contamination assessment

- NSW changes pollution reporting laws requiring immediate notification and increase maximum fines to \$2M for a breach

- The Commonwealth Government passes the *Clean Energy Act* that establishes Australia's first emissions trading scheme

- The *Carbon Credits (Carbon Farming Initiative) Act* is passed to create a system of land and waste-based emissions reduction projects that fall outside of the emissions trading scheme

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- SA introduces *Zero Waste SA Act* creating a statutory authority tasked with improving waste management in the state

- Australia incorporates the Stockholm Convention on Persistent Organic Pollutants, which includes DDT, PCBs, chlordane and aldrin

- The Queensland Government introduces reforms to phase out broadscale land clearing for agriculture by December 31, 2006



- Asbestos and asbestos-containing products are banned from import, manufacture, supply, sale and use in Australia

- NSW revises its management of native vegetation under the *Native Vegetation Act*, preventing broadscale clearing unless it improves or maintains environmental outcomes

- Australia gives legal effect to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

- The Commonwealth introduces the *Energy Efficiency Opportunities Act* targeting large-scale energy users and requiring them to report publicly and assess their energy usage with a view to making voluntary reductions

- Victoria introduces the *Climate Change Act* to establish greenhouse gas reduction targets, incorporate climate change consequences into government decision-making and facilitate carbon sequestration activities by creating rights in soil and forest carbon

- Tasmania introduces a prescriptive approach to underground tank management with its *Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations*



- Australia's first national carbon price becomes operational on 1 July. The scheme requires entities which emit over 25,000 tonnes per year of carbon dioxide equivalent and which were not in the transport or agriculture sectors to obtain emissions permits (reportedly around 260 liable entities)

- Australia agrees to join a second commitment period of the Kyoto Protocol, to run 1 January 2013 to 31 December 2020

- Queensland reforms its approach to offsetting with the *Environment Offsets Act* through a process of streamlining and integration across the three levels of government

- The *Clean Energy Legislation (Carbon Tax Repeal) Act* overturns Australia's price on carbon, but the Carbon Farming Initiative is maintained and an expansion proposed