

# Environment Review



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## And then there were 14

Coordinating Editor



Bede Carmody

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Climate change policy must be approached more systematically than the current 'uncoordinated patchwork of policies' across sectors and jurisdictions, according to the Productivity Commission.

GIANT Tasmanian woodchip corporation Gunns has dropped legal action against Australian Greens Senator Bob Brown and Tasmanian Greens MLC Peg Putt and three other defendants in its long-running case known as Gunns 20.

At a recent hearing at the Victorian Supreme Court, Justice Bongiorno discontinued proceedings against five defendants, having already dropped Doctors for Native Forests from the case.

Gunns has taken the court action citing the environmentalists' ongoing damaging campaigns and activities against the company.

Justice Bongiorno ruled that Gunns could proceed with Version 4 of its statement of claim against the remaining 14 defendants. Version 4 of the statement of claim is 120 pages long, with over 272 paragraphs, but contains only six of the original 10 actions brought by Gunns.

Senator Brown said the case was compromising the freedom to speak out, as well as the well-being of the forests.

'I will never back off from fighting to end Gunns' monstrous destruction of forests and wildlife in Tasmania, and pollution of the atmosphere,' he said.

The Wilderness Society (TWS) legal coordinator Dr Greg Ogle said that TWS had always believed that many of the claims in this case were baseless, and Gunns had now, in the judge's words, 'capitulated' to six defendants.

'It is a great result for those defendants, while the 14 remaining defendants will continue to defend the case and the community's right to protest about forest destruction in Tasmania,' Dr Ogle said.

'The decision by Justice Bongiorno to allow Version 4 of the statement of claim to proceed was expected, and we will now be seeking legal advice on whether Gunns have fixed all the problems with the form of the pleadings against us.

'But whatever the final shape of the pleadings, we will continue to defend the case, although the timetable set down by the court today will place an enormous imposition on the resources of all defendants.

'We will again be appealing to our supporters and all those who want to see the forests protected, to dig deep to support both [sic] the defendants, and the ongoing campaign to stop Gunns' environmentally damaging pulp mill proposal and the destruction of Tasmania's forests,' Dr Ogle said.

Late last year Gunns withdrew the claims in relation to an alleged unlawful lobbying of the company's Japanese customers, banks and the Banksia Foundation, and the claim of an overarching conspiracy or campaign against Gunns.

The revised claims will be formally filed on 5 April 2007, and the defendants have a month to lodge a defence (unless further applications are made to the court).

Costs were awarded against Gunns. ●

Information contained  
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# Stronger climate change laws required

HUMANE Society International (HSI) is calling on both sides of politics to commit to tabling long overdue climate change legislation, reflecting Australia's obligations as a signatory to the UN Framework Convention on Climate Change (UNFCCC), which came into force 13 years ago.

'In recent years Australia has passed legislation that reflects its obligations under a range of international agreements,' HSI Director Michael Kennedy said.

'We have legislation for the protection of marine mammals, Antarctica, biodiversity, the Southern Ocean and

and comprehensive legislation,' Mr Kennedy said.

HSI is calling on both sides of politics to enact legislation that would regulate energy and water use and greenhouse gas emissions, improve energy efficiency, and address carbon trading schemes, biodiversity adaptation programs and river systems as a means of mitigating and adapting to the impact of climate change.

HSI has sought specific legal advice on the constitutional powers available to the Commonwealth to undertake such action — there are no legal impediments.

## The Climate Convention has the primary objective of stabilising Greenhouse Gas concentrations in the atmosphere ...

protecting the atmosphere from ozone depleting substances, but Australia still doesn't have any legislation on climate change.'

The Climate Convention has the primary objective of stabilising Greenhouse Gas concentrations in the atmosphere at a level that would prevent 'dangerous' human interference with the climatic system.

However there is mounting expert opinion that the present rate of greenhouse gases being released into the atmosphere has already created dangerous interference with climatic systems.

HSI congratulated the Australian Government on taking a leadership role in working to address one of the key issues in the climate change debate — massive loss of forests and peat lands through deforestation. However, Mr Kennedy said that a global fund to address deforestation does not negate Australia's responsibilities at home.

'For Australia to meet its international obligations under the Climate Convention, we need strong

A national climate change abatement and adaptation Act is just one element of a package of measures that HSI is advocating to both government and opposition members.

It is also pushing for:

- additional triggers under the national environment Act;
- an expert climate change advisory committee reporting directly to the Minister for the Environment and Water Resources;
- increased funding of research and development into green technologies and the export of knowledge and technologies overseas;
- signature of the Kyoto Protocol; and
- the development and implementation of a comprehensive set of biodiversity adaptation plans to assist Australia's vulnerable native wildlife in coping with the impact of climate change.

'Climate change is a globally and potentially catastrophic problem that will take cooperation, innovation and a range of complementary measures if we are going to mitigate its adverse impacts and allow for appropriate adaptation to take place,' Mr Kennedy said. ●

# Call to start emissions trading now to capitalise on huge opportunities ahead

ENVIRONMENT Business Australia (EBA) is calling for a 2008 start to Australia's national emissions trading scheme in order to fast-track the deployment of commercially competitive solutions to climate change.

'Removing waste, pollution, and greenhouse gas (GHG) emissions and providing greater energy productivity is one of the best opportunities for wealth generation and wealth preservation that the world has ever seen,' EBA CEO Fiona Wain said.

'Making our economy smarter and more efficient is Australia's next competitive edge if we choose to seize it.

In its submission to the Prime Minister's Task Group on Emissions Trading, EBA has strongly recommended that all key emitters and solutions providers be involved from the outset of the scheme.

EBA suggests that the real challenge for the Prime Minister's Task Group is to create the blueprint for an energy and climate change strategy that is capable of making dramatic reductions in GHG emissions in Australia and in developing countries.

This, says EBA, will create investment in new and sustainable industries and jobs that will increase GDP growth.

This is what EBA sees as the 'opportunity side' of tackling climate change, highlighting that Australia could achieve between 60 per cent and 80 per cent GHG emissions cuts by 2050.

This can be achieved by combining energy efficiency, zero emissions energy sources for baseload electricity, renewable energy for distributed generation, gas, and cleaner coal with carbon capture and storage, together with a broad portfolio of carbon offsets

from waste reduction and recycling programs, and a fresh look at carbon sequestration — where carbon is diverted to storage in Australia's degraded soils and fast-growing biofuels, such as algae.

And EBA believes that much of this environmental infrastructure can be replicated in developing countries — exactly what institutional investors, bankers, insurers, major retailers and corporations, scientists and economists are looking for.

EBA has said that development of an Australian national emissions trading scheme should not wait for a global scheme to emerge.

EBA cited the potential for Australia to foster an APEC+India trading

Currently, perverse subsidies, or a marketplace that does not understand the true value of innovation, can inadvertently reward poor performance because the full cost and impact of negative externalities — pollution, waste, GHG emissions — are not understood or costed against GDP.

Energy management company Energetics believes that Australia can achieve between 2 per cent and 2.5 per cent per year compound improvement in emissions reduction, and that this can be sustained into the long term.

This would result in 22–28 per cent emissions reductions in 10 years and 35+ per cent over 15 years through energy efficiency improvements alone.

**'Removing waste, pollution, and greenhouse gas (GHG) emissions and providing greater energy productivity is one of the best opportunities for wealth generation and wealth preservation that the world has ever seen' ...**

scheme to build on the AP6 technology approach, and current opportunities to trade with the Chicago Climate Exchange, California, and the US's northeastern states.

EBA also said in its submission that emissions trading and a carbon price signal would help develop full-cost-recovery pricing.

This is important to make sure that environmental degradation does not undermine the competitiveness of companies that work hard to avoid pollution.

However, Energetics emphasises that emissions trading needs a strong regulatory framework, and fiscal incentives working alongside, in order to achieve this outcome.

In addition to Australia's many forestation and biofuel projects capable of supplying carbon offsets, a new approach has seen Australian companies Global Renewables and Lend Lease awarded with a \$5 billion contract in the UK. They will build and operate a state-of-the-art waste management project to recycle



materials and embodied energy, methane and soil carbon from the waste stream.

Global Renewables Chairman, Dr John White, estimates that this approach can reduce GHG emissions by between 7 per cent and 10 per cent per annum, generating significant carbon credits in the process.

An additional benefit of this massive recycling project is that natural fertiliser, a by-product of the putrescible waste stream, can help farmers revitalise soils while giving them an opportunity to become carbon traders.

Australia's recoverable hot fractured rock resources is vast and, by accessing heat trapped 4.5 kilometres underground, is capable of baseload energy generation reaching 3–4000 megawatts of electricity by 2030.

Geodynamics believes it will be generating price competitive commercial electricity from northern SA by 2010.

On a smaller scale, but capable of providing local electricity and desalinated seawater, wave energy company Energetech has so successfully trialed their technology at Port Kembla that the International Academy of

With solar thermal and deep hot rock geothermal energy sources, Australia is close to having zero emissions energy technology capable of providing baseload electricity.

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It is anticipated that both will be generating by 2010.

Solar thermal works by using solar concentrators (paraboloidal dish- or trough-shaped mirrors that track the sun) to harness and concentrate solar energy that heats water to 500 degrees centigrade. This creates steam to drive turbines.

Alternatively, the energy can be used to heat chemical reactors with gases such as methane or ammonia, creating a chemical reaction where new chemical bonds are formed, trapping energy for future use.

This combination of energy generation and energy storage means that solar baseload energy has the potential to be a realistic competitor to coal-fired powered plants in certain countries.

The quality and quantity of

Science has named them 'one of the world's top ten technologies'.

We may not have a perfect picture of the problems of climate change. We may not be able to predict precisely what will happen when and where. But there are clear trends of increasing carbon dioxide accumulation in the atmosphere; rising temperatures; and rising sea levels.

Therefore, we know enough to fast-track measures to try to prevent the foreseeable impact that these trends are likely to inflict on economies, security, health, agricultural productivity, water availability, quality of human life, ecosystems and biodiversity.

Reducing GHG emissions is critical. But the remarkable opportunity is that, just as with every previous transformation of our economy due to technological efficiency, Australia will be a wealthier and better place to live once we make the transition — and as we help other countries to make the journey with us. ●

# Suite of solutions to help bank customers reduce their environmental impact

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THE Bendigo Bank's Generation Green program will enable customers to offset carbon emissions produced by their homes, cars or businesses.

It will also encourage customers to reduce their emissions by providing discounted 'green' home and personal loans for incorporating simple energy- and water-saving measures into their homes.

Bendigo Bank managing director, Rob Hunt, said that Generation Green was a further step taken by Bendigo Bank to provide its customers and communities with practical ways to become more environmentally sustainable.

'Our connection with communities across Australia, and the relationship we have with our customers, always enables us to consider solutions beyond just our own responsibility, and Generation Green aligns perfectly with our strategy,' Mr Hunt said.

'It might seem a strange thing for a bank to do, but Bendigo Bank has always been focused on the sustainability of local economies, communities and the environment.

'The health, prosperity and sustainability of our customers and their communities is [sic] fundamental to the long-term prospects of our business.

'World scientists have now united to draw attention to the effects of unrestricted carbon use and Generation Green will offer our customers practical, affordable ways to take responsibility for the impact they personally have on the environment.

'The Bank itself is investing to reduce its environmental footprint — offsetting our vehicle emissions, reducing power usage and building a

new five-star green head office — and from Monday our customers will be able to join us.'

Bendigo Bank first introduced its Green Home Loan in 2002, with Mount Eliza residents Brendan and Narelle Callen among the first borrowers to build their energy- and water-efficient home.

'We are concerned for the environment and want to do as much as we can to reduce our impact,' Mr Callen said.

'The Bendigo Bank introduced us to their Green Home Loan and at that

'A bank introducing carbon offsets for cars and homes is something a little out of the ordinary, but hopefully it will mean these environmental initiatives reach even more people and become business as usual,' he said.

Through Generation Green, customers will be able to purchase carbon offset credits to neutralise the greenhouse gas emissions from their car, house or business.

The bank has contracted central Victorian firm Greenhouse Balanced to plant already cleared land (initially in

It will also encourage customers to reduce their emissions by providing discounted 'green' home and personal loans for incorporating simple energy- and water-saving measures into their homes.

time were the only bank to offer a product like this — it was a major factor in our financing decision.

'Our home includes recycled timbers and bricks, full insulation, double-glazed windows, rainwater tank, grey water recycling and solar hot water and heating, so we know we are reducing our impact on the environment,' he said.

Mr Callen said it was 'brilliant' to see large organisations such as Bendigo Bank taking the lead to change people's attitudes towards the environment, and enabling them to make a personal contribution.

the Macedon Ranges) with indigenous vegetation which absorbs (or sequesters) carbon dioxide. Over time, the plantings — which aim to mirror pre-1770 vegetation — offset customers' carbon emissions.

Mr Hunt said the revegetation and sequestration would be audited and regularly reported to customers.

'The style and location of our revegetation also aims to address localised issues like salinity, erosion, habitat and water quality,' he said.

'Over time, too, I am sure other solutions and options for carbon offsets will emerge.' ●



# Company cars may stall as lights go green

COMPANY car users could lose up to \$1.1 billion in tax concessions under recommendations presented to the government by the Senate Rural and Regional Affairs and Transport Committee.

The Committee has called for the government to address what it describes as the 'perverse incentives for more car use', which currently save some of the heaviest company car users an average of \$2300 a year in tax.

The Committee has identified an anomaly in the way FBT is calculated, which encourages company car owners to drive more and puts environmentally

friendly drivers at a disadvantage. Despite growing international acceptance of global warming, and the impact carbon emissions have on climate change, under Australia's current FBT statutory formula a company car owner's tax reduces the further the car travels.

formula for fringe benefits was originally introduced to support the Australian car industry and to minimise the compliance burden on employers. 'But the Australian car industry can probably be better supported by direct assistance, rather than through the statutory formula for car fringe benefits,' Mr Cunningham said.

'As only 29 per cent of new cars sold in this country are made in Australia, the current system is actually assisting foreign car manufacturers much more than Australian ones.'

However, there is a risk that changes to the regime will impose detrimental

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The Committee made its recommendation as part of its report on 'Australia's future oil supply and alternative transport fuels' and sees the provision of concessionary FBT rates for cars as contributing to Australia's oil dependency, urban congestion, pollution and greenhouse gas emissions.

National Tax Director at chartered accountants and business advisors PKE, Lance Cunningham, said the statutory

burdens on employers that offer company cars.

'It is vital that any changes made to the concessionary method do not increase the regulatory compliance burden on employers,' he said.

The existing system requires significantly less documentation than the cumbersome alternative log book method.'

'The Committee has stressed that the question of whether the tax should be concessionary is different from the question of minimising compliance costs.

'It claims a statutory formula method can be retained for the sake of easy compliance, while the concessionary aspect can be removed by adjusting the rates.

‘The Government must consider this very seriously when reviewing these recommendations.’

An alternative approach would be to follow the example of the UK, where environmental concerns have been incorporated into the company car tax regime.

In 2002 the UK replaced its old calculation method that was based on vehicle engine size and age, with a new emissions linked system.

‘The new car benefits charge in the UK is based on a percentage of the

price of the car, graduated according to the level of the car’s carbon dioxide emissions,’ Cunningham said.

‘The charge is 15 per cent of the car’s price for those with emissions at or below the qualifying level, rising incrementally by one per cent for each five grams of emissions above the qualifying level, to a maximum of 35 per cent.

‘This system ensures that companies are encouraged by their employees to purchase more environmentally friendly vehicles, especially given fully electric

cars attract a tax rate of just nine per cent of the vehicle’s value.’

‘In addition to reviewing company car FBT, the Committee discussed the option of giving public transport tickets a tax concession as a way of discouraging car use.

‘While this should be supported in principle, especially for travel to and from work, any tax incentives for public transport use must be accompanied by additional public transport infrastructure,’ Cunningham said. ●

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## UN report has implications for Australia’s response to climate change

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A NEW UN report calling on world governments to improve the energy efficiency of buildings has been endorsed by the Insulation Council of Australia and New Zealand (ICANZ).

The UN report, *Buildings and Climate Change: Status, Challenges and Opportunities*, pushes for a greater use of existing technologies such as thermal insulation, solar shading, more efficient lighting and electrical appliances, the right mix of appropriate government regulation, greater use of energy saving technologies and behavioural change programs.

ICANZ President Dennis D’Arcy said that the report by the UN Environment Program drew attention to the substantial reductions in greenhouse gas emissions which can be achieved at low cost by improving the energy efficiency of Australian buildings, particularly homes.

‘The UN report highlights the fact that carbon dioxide (CO<sub>2</sub>) emissions from the building sector account for 30–40 per cent of global energy use,’ Mr D’Arcy said.

‘Substantial benefits can be gained at low cost by improving the energy efficiency of buildings.

‘Here in Australia this is particularly relevant because, according to the Australian Bureau of Statistics,

40 per cent of Australian homes have no ceiling insulation.’

In announcing the report, UN Under-Secretary General and UN Environment Program executive director Achim Steiner said that energy efficiency, along with cleaner and renewable forms of energy generation, was one of the pillars upon which a decarbonised world would stand or fall.

‘The savings that can be made right

could further reduce greenhouse gas emissions by more than the total EU commitment made under the Kyoto Protocol.

‘Australia is a country where low cost demand-side solutions that can deliver immediate greenhouse gas savings, such as tighter passive design regulation for new homes and the retrofitting of insulation into older homes, are at least as important as

The UN report ... pushes for a greater use of existing technologies such as thermal insulation, solar shading, more efficient lighting and electrical appliances ....

now are potentially huge and the costs to implement them are relatively low if sufficient numbers of governments, industries, businesses and consumers act,’ Mr Steiner said.

The UN report identified Australia as a country where CO<sub>2</sub> emissions increased exponentially with increased wealth, in contrast to other developed economies, such as France and Sweden, where CO<sub>2</sub> emissions had remained level in spite of increases in their GNP.

The report also says that better use in Europe of low-cost existing technology, such as building insulation,

supply-side solutions that will take decades to deliver benefit, such as the development of new low emission power stations,’ Mr D’Arcy said.

The UN report affirms that in the lifetime of an average building, most energy is not consumed during construction, but during the period when the building is in use — for example, for heating, cooling, lighting, cooking and ventilation.

The UN report and accompanying media statement are available on the UN Environment Program website at [www.unep.org](http://www.unep.org). ●



# Systematic approach needed on climate change

CLIMATE change policy must be approached more systematically than the current 'uncoordinated patchwork of policies' across sectors and jurisdictions, according to the Productivity Commission.

The call is contained in the Productivity Commission's submission to the Prime Ministerial Task Group on Emissions Trading.

The submission examines the Stern Review's call for strong early action and discusses:

- the characteristics of a workable global solution, including the benefits to Australia of influencing the design of its rules;
- the frameworks and principles that should condition any interim national response; and
- the merits of emissions trading compared to carbon taxes, and major design issues for emission trading schemes.

The submission highlights the importance of ultimately achieving international action covering the largest emitting countries.

'Given the comparatively high cost of achieving abatement in Australia and our minor contribution to the global problem, any national policy initiative needs to be calibrated to the prospect and nature of an international response,' Productivity Commission Chairman Gary Banks said.

'There is much at stake for the Australian community in getting the right, nationally coherent, policy on climate change. This will require considerably more analytical work and public consultation.'

According to the submission there is a growing consensus that the anthropogenic contribution to climate change could pose serious risks to future generations and coordinated action is needed to manage these risks. However, uncertainty continues to

pervade the science and geopolitics and, notwithstanding the Stern Review, the economics. This is leading to divergent views about when and how much abatement effort should be undertaken.

To be fully efficient and effective, greenhouse gas (GHG) abatement must occur globally. Effectiveness increases with the coverage of emissions and of emitting countries. Below a certain threshold, any abatement action will have little effect.

It is in Australia's interest to participate in the design of a multilateral framework — for example, pressing for:

- emission caps for all major emitting countries that are supported by strong verification arrangements, and can react flexibly to new information; and
- allowance to gain credits for emission reduction projects in other countries and also flexibility in rules on land cover change.

Independent action by Australia to substantially reduce GHG emissions would, in itself, deliver barely discernible climate benefits, but could be very costly nationally. Such action would therefore need to rest on other rationales.

Facilitating transition to an impending lower emissions economy is the strongest rationale for independent action, but it is contingent on the imminent emergence of an extensive international response.

Current climate change policy in Australia is a disjointed, fragmented patchwork of measures across sectors and jurisdictions. The potential impact on resource allocation (for example, firm location) underscores the need for a national approach.

A national approach should be based on GHG pricing — through an emissions tax or an emissions trading scheme. Due to its administrative

simplicity, a tax has some merit as a transitional tool and could be introduced in a revenue neutral way.

The Productivity Commission says that if it was decided to introduce a national emissions trading scheme:

- to constrain costs, the emissions price should be kept modest by means of a ‘safety valve’ until a multilateral regime that comprised major emitting countries was in place;

- to limit adjustment costs and international relocation of production, it might be appropriate to mitigate the most adverse competitive impact on energy-intensive producers until an international regime was in place; and

- existing regulations that substituted for emissions trading should be discontinued.

Other policies to address related market failures may be warranted.

These include support for relevant technological development and deployment, addressing barriers to energy efficiency and carbon capture and storage, and research into adaptation strategies. To optimise use of the community’s abatement dollar, all policy proposals should be subject to comparative assessment — such as cost per tonne of GHG emissions reduction or storage. ●

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## Farmers change habits to save the planet

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AUSTRALIAN farmers have taken a strong step towards assisting the prevention of global warming after signing a Memorandum of Understanding with carbon credit retailer, Carbon Planet.

In signing this agreement, the Conservation Agriculture Alliance of Australia and New Zealand (CAAANZ), has signalled that it will explore significant carbon capture opportunities generated through the utilisation of conservation farming techniques.

These conservation farming techniques, such as reduced soil tillage and crop stubble retention, which are popular in advanced agricultural systems in North and South America, are particularly suited to Australian soils because of the inherently low soil carbon content.

In addition to delivering real benefits to society and to the planet, such as reduced smoke due to obviating the need to burn crop stubble, reduced erosion due to much less digging over of the soil, and lower greenhouse emissions due to the reduced consumption of diesel fuel, conservation agriculture provides tangible economic benefits to farmers.

The key is to recognise the soil as a carbon sink. The fact is that soils are the largest terrestrial carbon sink on earth.

The alliance seeks to provide Carbon Planet with an alternative source of ‘carbon sequestration’ credits, as it currently uses forestry while providing

society with a means to give preferential treatment to sustainable farm production.

‘We are really excited about this agreement as it allows Carbon Planet to explore further mechanisms for physically removing carbon dioxide from the atmosphere,’ Carbon Planet co-founder Dave Sag said.

‘This agreement forms part of our long term strategy [for] carbon sequestration and there are all sorts of benefits associated, such as biodiversity, erosion mitigation and drought mitigation, all of which are very important for our rural communities.’

The economic benefits to Australian farmers of carbon sequestration represent an alternative source of income to the traditional sources of farm income.

Australian farmers are well-known for reinvesting savings made or income derived back into their farming system, so rewarding sustainable practices is now helping to accelerate the fight against climate change into the future.

Conservation farming also provides significant environmental benefits; such as improved soil health and fertility; improved water use efficiency; reduced loss of topsoil due to erosion, improved soil and land biodiversity, and reduced diesel fuel emissions.

Carbon credits are already traded for conservation farming practices in a voluntary carbon offset market on the Chicago Climate Exchange; however, these credits are not available to Australian growers.

Greg Butler, the Research and Development Manager for the SA No-Till Farmers Association and a member of the CAAANZ executive, said that the advantages of reducing smoke, controlling erosion and lessening greenhouse impact were obvious, yet there were limited means for society to differentially reward sustainability in the Australian grains industry.

‘We estimate that around 10 million hectares of grains are produced annually under conservation practices in Australia however, when consumers buy a loaf of bread they can’t distinguish whether that farmer burnt all the straw and then ripped up the land or whether that farmer utilised the straw as mulch and cared for the soil through minimal disturbance,’ he said.

‘The good news is that financial institutions, businesses and consumers are actively seeking to reward sustainability while penalising polluters across all industries.

‘If it is true that society is increasingly concerned with issues like our kids getting asthma or our farms being consumed by climate change, then we are obliged to establish cross-industry solutions that balance the triple bottom line.

‘We are not able to determine exactly how society can reward conservation farming, yet interest rate reductions, tax incentives, purchasing decisions and greenhouse credits are all possible alternatives.



'We do know that there is plenty of social and environmental value in conservation agriculture and the challenge for financial institutions or market traders is to accurately categorise the *conservation value* of assorted farming operations.

'We are delighted that Carbon Planet has the foresight to assist us as we take up this national challenge. Carbon Planet's vision looks beyond the red tape and by engaging the best skills from each industry we aspire to provide the win, win solution that everybody is looking for.'

CAAANZ is an international alliance of 3500 farmers from six no-till and conservation farming organisations across Australia and NZ.

In many farming regions, conservation farming is the dominant farming system. However, it is not an easy trade to master and conservation farmers need to build a greater level of expertise than was ever required for traditional 'rip and burn' farming.

CAAANZ provides information, training and a united voice for conservation farmers on issues ranging from on-farm techniques through to national policy development on carbon sequestration.

Developments in the US suggest that there is a role for no-till farming and other conservation farming measures in countering greenhouse gas emissions.

This new alliance with Carbon Planet will build links between the member organisations, provide them with a common voice on a variety of farming and economic issues and focus the use of the available resources on the key issues for conservation farmers.

CAAANZ will encourage further adoption of conservation farming practices in Australia and NZ and improve information-sharing about the benefits and practicalities of conservation farming, including stubble management, sowing technology, targeted crop nutrition and managed pest control. ●

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## Carbon pricing signals a positive

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THE Australian Business Council for Sustainable Energy (BCSE) has welcomed recent comments by the Prime Minister, the Rt Hon John Howard, on carbon pricing signals, saying the market is the best determinant of where to invest capital in clean energy generation.

The Prime Minister said that market mechanisms, including carbon pricing, would be integral to any long-term response to climate change. According to BCSE, this is an important statement and follows the federal government's announcement, in December 2006, that Australia was projected to exceed its greenhouse gas emissions target, with an increase of 9 per cent on 1990 levels by 2010.

Of greater concern was the projected continued increase in emissions rising to 127 per cent of 1990 levels by 2020. BCSE says that Australia must act now if it is to join the rest of the world and first stabilise, then reduce, its greenhouse gas emissions.

Clean power generation technologies, such as gas and renewable energy, currently provide 22 per cent of our electricity needs. By doubling the deployment of these existing technologies, we would make significant inroads into our growing greenhouse emissions.

BCSE executive director, Ric Brazzale, said that the issue was not about the extent to which renewables were able to provide baseload power. The different power generation technologies each had a role to play.

'The priority is to put in place policy frameworks that (i) start to rein in our growing energy demand and (ii) ensure we meet our future energy needs with existing cleaner power technologies without having to wait for emerging and unproven technologies,' Mr Brazzale said.

'Acting now is essential to getting our emissions back on track and position[ing] ourselves to make the

reductions required over the longer term.’

Mr Brazzale pointed to SA as a good demonstration of the role of wind power in the electricity market, which today accounts for 15 per cent of the state’s total energy supply.

‘SA shows the technologies are available and in use right now,’ he said.

‘Together with other renewables, natural gas and energy efficiency, Australia can ensure its future prosperity while emerging technologies continue to develop.

‘A carbon price or emissions trading

scheme is now widely acknowledged as the most cost effective way of reducing greenhouse gas emissions.

‘It is imperative we act now to empower the market to allocate investment and bring on stream the huge clean energy resources Australia has available to it.’ ●

**Legal**

# Clarification of the relationship between planning and environmental regimes

**Elisa de Wit and Maya Statton**  
DEACONS

A RECENT VCAT decision<sup>1</sup> (the second VCAT decision) involved an application by SITA Australia Pty Ltd to amend its planning permits held in respect of its landfill at Lyndhurst, Victoria. Existing conditions on the permits prohibited the site from taking in ‘hazardous waste’.

An earlier VCAT decision<sup>2</sup> (the first VCAT decision) had found that the prescribed industrial waste accepted by the site, although authorised under an Environment Protection Authority (EPA) licence, was hazardous waste using a ‘natural and ordinary meaning’ approach.

The background to the legal proceedings was that the Lyndhurst landfill had been operating for 16 years. During that time, it had accepted putrescible waste and prescribed industrial waste under two planning permits which allowed the use and development of the land for a private rubbish tip. Conditions attached to the planning permits prohibited the disposal of ‘hazardous wastes’.

The landfill also operated pursuant to an EPA licence which, since 1991, had periodically been amended to allow the deposit of certain prescribed industrial waste. The planning permits had not been amended to reflect the changes in the EPA licence.

A challenge was brought by the Council and a local residents’ group at

the end of 2005 on the basis that the planning permits prohibited the receipt of hazardous waste, and the landfill was accepting such waste.

The first VCAT decision, handed down in July 2006, declared that materials allowed to be deposited pursuant to the EPA licence were ‘hazardous wastes’, thereby rendering the disposal of these materials at the Lyndhurst facility unlawful. In response to this decision, SITA lodged an appeal in the Supreme Court and applied to VCAT to have the planning permits amended to enable it to continue its current operations.

In the second VCAT decision, the Tribunal granted the amendment of the permits.

As sought by the operator, it deleted the relevant conditions and replaced them with a condition requiring the operator of the Lyndhurst landfill to provide the Council with a copy of any amended waste discharge licence issued by the EPA within seven days of its issue.

In reaching its decision to amend the planning permits, the Tribunal was influenced by the fact that there was no evidence that the Lyndhurst landfill was not a safe facility, or that the continued disposal of prescribed industrial waste at the landfill would cause any unacceptable impact on amenity or the environment. It considered that, because there were strict conditions on the EPA licence relating to the handling and

treatment of materials received at the landfill, it did not constitute a hazard that the community needed to fear.

Evidence was presented to the Tribunal that if the Lyndhurst landfill was prohibited from taking prescribed industrial waste, the only other facility within Melbourne licensed to accept prescribed industrial waste would be filled within one year.

The Tribunal also referred to the fact that the state government had decided not to proceed with the proposed long-term waste containment facility at Nowingi, near Mildura, following receipt of a panel report which recommended that the project not be approved.

Consequentially, the landfill played a vital role in dealing with prescribed industrial waste within Victoria and until such time as a long-term containment facility was developed it was unrealistic and irresponsible to ignore the fact that for the immediately foreseeable future there remained a need to dispose of some prescribed industrial waste.

The Lyndhurst facility was essential to satisfy this need.

The Tribunal stated that to prevent the Lyndhurst landfill from continuing to accept prescribed industrial waste would expose the environment and the community to an unacceptable risk from the consequences of long term storage of materials in unsafe locations or illegal dumping.



In reaching its decision, the Tribunal considered the relationship between the planning and environmental approval regimes in Victoria. This issue was required to be considered as a result of the inconsistency in the waste disposal activities authorised by the planning permits issued by the Council under the *Planning and Environment Act 1987* (Vic) (P&E Act) and the environmental licence issued by the EPA under the *Environment Protection Act 1970* (Vic) (EP Act).

In considering this issue, the Tribunal commented on the role of the EPA, stating that the EPA was the ‘pre-eminent, expert authority within the State on all matters concerning the control of pollution and protection of the environment’. Accordingly, its assessment of these types of matters should be accepted as authoritative.

The Tribunal also considered whether planning permits and EPA licences should cover the same matters, and stated that, as a general principle, where specific aspects of the use or development of land were controlled by an EPA licence or works approval, conditions in a planning permit should not attempt to control the same thing. It might be appropriate for conditions on a planning permit to require that the use or development should be in accordance with a licence or works approval, but the condition should not include reference to specific details or plans.

In reaching this conclusion, the Tribunal had regard to the fact that there was a tendency to amend EPA licence conditions to reflect improvements in environmental best practice or changes to government policy, but planning permit conditions tended to be fixed in time. In addition, there was a risk that if planning permit conditions attempted to address technical issues, the terminology might be misunderstood or may become outdated, as had happened in the present case.

It was argued on behalf of the EPA that, where inconsistencies arose between planning permits and EPA licences, priority should be given to the EPA’s licence. The Tribunal rejected this argument, finding nothing in the EP Act that would operate to give priority to licences issued under it to permits issued under the P&E Act. However, it did consider that, as a matter of good

practice, conflict between planning permits and EPA licences should be avoided.

To encourage this outcome, the Tribunal suggested that councils and the EPA needed to cooperate to ensure planning permits were consistent with EPA licences and works approvals. In particular, the Tribunal noted that there needed to be greater consistency between the use of terms in the planning system and the environmental system. It encouraged the EPA to play a greater part in its role as referral authority, to ensure that there was consistency in terminology and meaning between terms used in planning permits and terms used in EPA works approvals or licences.

The Tribunal’s comments in the second VCAT decision provide useful guidance on the interrelationship between the planning and environmental regimes, and the role of the EPA. In particular, the Tribunal has confirmed that environmental authorities, such as the Victorian EPA, should retain responsibility for assessment of matters relating to prevention of pollution and protection of the environment.

In this context, policies or guidelines developed by the EPA should be viewed as authoritative and others, including the Tribunal, should not seek to challenge or discount their content. Given the importance of this role, and the need to ensure consistency between planning permits and environmental licences, the Tribunal considered that it was appropriate for the EPA to play a more active role in its approach to the grant of planning permits.

This would ensure that the planning and environmental regimes would be truly co-ordinated and operate as interlocking systems, which at the end of the day, would provide community benefit. ●

*Elisa de Wit, Partner, and  
Maya Statton, Articled Clerk, Deacons.*

## Endnotes

1. *SITA Australia Pty Ltd and PWM (Lyndhurst) Pty Ltd v Greater Dandenong CC* [2007] VCAT 156.
2. *Greater Dandenong CC v SITA Australia* [2006] VCAT 1361.

# Ecological disaster predicted with fluorescent tube recycling

A DRAMATIC increase in mercury pollution in Australia has been forecast unless new recycling laws are brought in to partner the federal government's move to promote fluorescent lighting.

The prediction from the Australian Council of Recyclers (ACR) comes after federal Minister for Environment and Water Resources, the Hon Malcolm Turnbull, announced that incandescent light bulbs would be phased out.

According to the ACR, 99 per cent of used fluorescent tubes and high intensity discharge (HID) lamps, which contain mercury, are currently dumped in public landfill sites, causing a serious and ever-increasing mercury pollution problem.

ACR chief executive officer Anne Prince said the move to fluorescent tubes without corresponding legislation governing their disposal was an ecological disaster in the making.

'We need to be smart enough to avoid creating a mercury pollution problem in order to fix a carbon pollution problem — we need another system, and fast,' Ms Prince said.

'With the phasing out of incandescent lighting it is now definitely time for Australia to join the rest of the industrialised world in banning the dumping of fluorescent lights in landfill and introducing a collection system to ensure proper recycling.'

Professor John Buckeridge, Head of the School of Civil, Environmental and Chemical Engineering at the Royal Melbourne Institute of Technology, has joined the call for urgent government action on recycling.

'If we continue to allow dumping of fluorescent tubes into landfill the consequences will be disastrous,' he said.

'We can expect increases in neural degeneration in the foetus and adults, a huge surge in nervous diseases, and

deaths associated with mercury poisoning.'

Energy-efficient lamps, such as normal and compact fluorescent tubes and HID lamps, all contain varying levels of mercury. While these products are totally safe to handle and use, the

from discarded fluorescent tubes, including glass, aluminium, steel and mercury, can be successfully recycled.

Advanced Recycling Australasia chief executive officer, Doug Rowe, said that industry and households were largely unaware of the mercury pollution

According to the ACR, 99 per cent of used fluorescent tubes and high intensity discharge (HID) lamps, which contain mercury, are currently dumped in public landfill sites, causing a serious and ever-increasing mercury pollution problem.

mercury released when the lamps are broken can be a dangerous neurotoxin.

Mercury is the most toxic pollutant after radioactive substances on the Environmental Protection Authority (EPA) list of industrial pollutants, and is particularly harmful to the developing nervous system.

Recycling firm, Advanced Recycling Australasia, says that all the materials

danger associated with fluorescent tubes in landfill.

'Governments need to take leadership and act on recycling legislation now,' Mr Rowe said.

'Phasing out incandescent lighting without bringing in proper recycling laws for fluorescents is simply swapping one environmental problem for another.' ●

## Eureka prizes

The Australian Museum Eureka Prizes are Australia's largest award scheme for research into pressing environmental sustainability issues.

In 2007 the scheme is offering \$50,000 in prizes for research into environmental and climate change issues in particular.

Entries are now open for:

- Innovative Solutions to Climate Change — *sponsored by IAG Australia.*
- Young Leaders in Environmental Issues and Climate Change — *sponsored by the British Council.*
- Environmental Sustainability Education — *sponsored by the NSW Department of Environment and Conservation.*
- Innovative Water Research — *sponsored by Land and Water Australia.*

For details of the prizes and how to enter, visit [www.australianmuseum.net.au/eureka](http://www.australianmuseum.net.au/eureka).

Entries close 4 May 2007.



# Litter volume increases

THE volume of litter across Australia has increased by 7 per cent over the past year, according to the national litter index.

The Keep Australia Beautiful National Litter Index measures the types and amounts of litter across Australia and is based on audits conducted between May and November 2006. It has found that highway litter now accounts for almost half of all litter in terms of volume, and that illegal dumping is a major contributor to Australia's litter problem.

The Minister for the Environment and Water Resources, the Hon Malcolm Turnbull, said it would be worrying to see Australia follow the UK lead, where illegal dumping

'I would encourage Australians to think before they drop their rubbish,' Mr Turnbull said.

'Our litter problem is something that can be easily fixed if everyone makes a conscious effort to dispose of their packaging and litter responsibly. It is a matter of thinking before throwing and everyone can do their bit.'

Top litter items by volume were cigarette butts; illegal dumping; other paper (including tissues); domestic type plastic containers; all other plastic containers, industrial containers — for example, oil (plastic); snack bags and confectionery wrappers (plastic); cups and take-away containers (paper); bottle tops and can pull rings (metal); newspapers and magazines; plastic bottle tops; water or soft drink bottles

## It has found that highway litter now accounts for almost half of all litter in terms of volume ...

becomes a major litter and public health issue.

'Illegal dumping poses a threat to humans and wildlife, damages our environment and spoils our enjoyment of our towns and countryside,' Mr Turnbull said.

Mr Turnbull said he was also concerned about litter in our waterways.

'Litter, especially items washed into our waterways pose a serious environmental problem.

'It can leach impurities, chemicals and toxins into our water and affect organisms dependent on that water for survival. Australians value water now more than ever.

'It does not make sense to damage our waterways through thoughtless littering.'

The Keep Australia Beautiful National Litter Index is designed to highlight the extent and nature of Australia's litter problem, to help inform waste management policy and encourage individual action to reduce litter.

(plastic); other water bottles (glass), carbonated and flavoured/soft drink cans (metal); other alcoholic sodas and spirit-based mixer cans (metal); cigarette packets; beer bottles; and paper cups.

The worst sites were highways and car parks.

Highlights from state and territory sample sites were as follows.

- ACT: the worst for cigarette butt litter.
- NSW: illegal dumping continues to be a serious issue.
- NT: illegal dumping is an issue.
- Queensland: the largest drop in total litter items.
- SA: an increase in illegal dumping, which has almost doubled; less beverage containers and cigarette butts.
- Tasmania: plastic litter increasing in volume.
- Victoria: total number of litter items up 60 per cent from the same time last year; lowest in highway litter.
- WA: increased plastic and paper litter. ●

# Carwash water recycled 100 times

A COMMERCIAL car wash in Queensland has implemented a clever water filtration loop to maximise its usage under Level 4 water restrictions.

Each day, from 8 am to 5 pm, Baywash Southside car wash in Toowoomba washes up to 100 vehicles through its automatic car wash section.

Its proprietor, Mr Graeme Schultz, said that when the car wash was constructed 18 months ago the business purchased a SPEL Puraceptor Model P002.CI.2CSC, because Toowoomba Council stipulates all businesses of this type require a system for oil and water separation.

'Before this, the only type used in commercial car washes were the traditional plate separators which are much more expensive and handle lower flow rates,' Mr Schulz said.

'We convinced the council to try the SPEL Puraceptor on our site and it was pleased with the results, particularly as we now have to recycle 50 per cent of water that we use commercially in Toowoomba (a new rule as of six months ago).

'We are currently at Level 4 water restrictions: if we reach Level 5, the only water allowed to be used outdoors is that to wash your pet dog!'

Two months ago, Baywash Southside purchased and installed a second SPEL Puraceptor to create a consistent water filtration loop 24 hours a day.

During the filtration process, ozone is injected (instead of chlorine) into the water just before it enters the SPEL Puraceptor. This kills germs and

bacteria and improve the quality of water.

This recycled water comes from the auto-wash section of the business. A self-service section is also set to be hooked up to this consistent loop using both Puraceptors.

'It has made an enormous difference. Since we installed the Puraceptors and the continuous loop we find we have to only clean the filters within each Puraceptor every day — a quick and simple job — because they are collecting so much unwanted material from the water.

'We are planning three more wash bays, so we are likely to install another SPEL Puraceptor before this calendar year is out.

'The water cleans up to 1000 cars before it is due for disposal, but we are evaluating ways of how we can improve that return.

'Then ultimately we want to create a complete purification system for that water so that we never have to dispose of it at all.'

Because it is manufactured as a full retention separator, the SPEL Puraceptor is sized to hold more than the anticipated maximum spillage, so that it will be fully operational at all times.

It features a coalescing unit.

They are designed to ensure a maximum hydrocarbon concentrate in the outlet of 5mg/litre.

A sampling point is incorporated into the outlet. A fuel/oil and silt containment ensures optimum performance between maintenance periods. ●

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*Charles Whiting (editor)*



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*3–6 September 2007*

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