



## ***Annual Regulatory Plan***

*Environment, Water, Heritage and the Arts Portfolio 2009-2010*

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### **Contents**

- Environment, Water, Heritage and the Arts Portfolio Regulatory Plan
- What Regulation Does a Regulatory Plan Cover?
- Summary of Regulatory Changes During the 2008/2009 Financial Year
- Summary of Regulatory Activity Planned for the Current Financial Year 2009/2010
- Description of Regulatory Changes During the 2008/2009 Financial Year
- Description of Regulatory Activity Planned for the Current Financial Year 2009/2010

### ***Environment, Water, Heritage and the Arts Portfolio Regulatory Plan***

This site sets out the regulatory plan for the Department of the Environment, Water, Heritage and the Arts (DEWHA) and agencies within the Environment, Water, Heritage and the Arts portfolio apart from the Great Barrier Reef Marine Park Authority. The regulatory plan for the Great Barrier Reef Marine Park Authority can be viewed at: [http://www.gbrmpa.gov.au/corp\\_site/about\\_us/regulatory\\_plan](http://www.gbrmpa.gov.au/corp_site/about_us/regulatory_plan).

Commonwealth agencies that have a responsibility for business regulation are required to publish a regulatory plan on their web site early in each financial year. The regulatory plan deals with changes within the agency's area of responsibility and contains information about:

- changes to business regulation which have occurred since the beginning of the previous financial year; and
- activities planned in the current financial year which could lead to changes in business regulation.

## ***What Regulation Does a Regulatory Plan Cover?***

A regulatory plan covers business regulation. This includes primary legislation, subordinate legislation, quasi-regulation or treaties which directly affect business, have a significant indirect effect on business, or restrict competition.

Quasi-regulation refers to rules or arrangements where governments influence businesses to comply, but which do not form part of the explicit government regulation.

A regulatory plan does not include information about the following:

- regulations that are likely to have no or a low impact on businesses and individuals or the economy;
- regulations that involve considerations of specific Government purchases;
- regulations of a state or self-governing territory that apply in a non-self governing territory; and
- anticipated activity about which it would be inappropriate to publish information on grounds of confidentiality.

In addition, there may be regulatory activities undertaken during the next financial year which have not been included in a regulatory plan because they could not be foreseen when the plan was prepared at the start of the financial year.

In view of these exclusions, users should not take a regulatory plan to be a comprehensive source of information on past or potential changes to business regulation.

# SUMMARY OF REGULATORY CHANGES DURING THE 2008/2009 FINANCIAL YEAR

## *Arts and Culture*

- Introduction of a Resale Royalty Right for Visual Artists Bill 2008

## *Environment*

- Amendments to *the Fuel Quality Standards Regulations 2001*
- Amendments to the *Fuel Standard (Automotive Diesel) Determination 2001*
- Amendments to the *Environment Protection (Sea Dumping) Regulations 1983*
- Threat abatement plan for disease in natural ecosystems caused by *Phytophthora Cinnamomi*
- Threat abatement plan for the impacts of marine debris on vertebrate marine life
- Threat abatement plan to reduce the impacts of exotic rodents on biodiversity on Australian offshore islands of less than 100 000 hectares
- Threat abatement plan for predation by feral cats
- Threat abatement plan for predation by the European red fox
- Threat abatement plan for competition and land degradation by rabbits
- Threat abatement plan for competition and land degradation by unmanaged goats
- Amendments to the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*

## *Great Barrier Reef Marine Park*

- *Great Barrier Reef Marine Park and Other Legislation Amendment Act 2008*

## *Water*

- Amendment to Water Information Regulations:
  - Water Amendment Regulation 2008 (No.2)
  - Water Amendment Regulations 2009 (No. 1)

# SUMMARY OF REGULATORY ACTIVITY PLANNED FOR THE CURRENT FINANCIAL YEAR 2009/2010

## *Antarctica*

- Antarctic Tourism and Environmental Protection – regulation of insurance and contingency planning, liability arising from environmental emergencies, and the landing of persons from passenger vessels

## *Arts and Culture*

- Legislative review of the *Protection of Movable Cultural Heritage Act 1986* and the *Protection of Movable Cultural Heritage Regulations 1987* (PMCH legislation)
- Review of the feasibility of extending the legal deposit scheme to audiovisual and electronic materials

## *Environment*

- Treaty making action for changes to the Stockholm Convention on Persistent Organic Pollutants
- National action on product stewardship arrangement for end-of-life televisions and computers
- National action on product stewardship arrangements for end of life tyres
- National action to reduce the impact of packaging on the environment
- National Waste Policy
- Amendments to the *Fuel Quality Standards Act 2000*
- Amendments to the *Fuel Quality Standards Regulations 2001*
- Amendments to the *Product Stewardship (Oil) Regulations 2000* to clarify eligibility requirements for product stewardship benefits
- Consultation Regulatory Impact Statement for Non-Road Spark-Ignition Engines and Equipment
- Consultation Regulatory Impact Statement for Wood Heaters
- Proposed ban to the import and manufacture of equipment containing or designed to contain hydrochlorofluorocarbon (HCFC) refrigerants
- Proposed simplification of the Fire Protection Regulation contained in the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995*

## *Heritage*

- Review of the *Historic Shipwrecks Act 1976* and consideration of ratification of the UNESCO 2001 Convention for the Protection of the Underwater Cultural Heritage
- Indigenous heritage law reform – *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

## *Great Barrier Reef Marine Park*

- Amendments to the regulations to implement the 2006 Review of the *Great Barrier Reef Marine Park Act 1975*

## *Parks Australia*

- Management Plan for the Commonwealth reserves of Uluru-Kata Tjuta National Park, Booderee National Park, Australian National Botanic Gardens and Christmas Island National Park

## *Water*

- Review of the *Water Efficiency and Labelling Standards Act 2005*
- Review of the operation of the Water Efficiency Labelling and Standards (WELS) scheme

# DESCRIPTION OF REGULATORY CHANGES DURING THE 2008-2009 FINANCIAL YEAR

- Arts and Culture
  - Environment
  - Great Barrier Reef Marine Park
  - Water
- 

## ARTS AND CULTURE

### *Introduction of a Resale Royalty Right for Visual Artists*

#### **Description of Issues**

The *Resale Royalty Right for Visual Artists Bill 2008* ('the Bill') will create a right which will entitle visual artists and their heirs to a 5 per cent royalty on resales of original artworks which sell for \$1000 or more on the secondary art market. The right will apply for the same period as copyright, i.e. for 70 years after the death of the artist. The scheme will be applied prospectively, that is royalties will only be payable on resales of works of art which were acquired after the legislation takes effect.

The Bill creates a statutory scheme to enforce the right and collect royalties. A single collecting organisation will be appointed by the Government through a competitive tender process to manage the scheme.

A link to the regulatory instrument is available at:

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id:%22legislation%2Fbillhome%2Fr4010%22>.

#### **Date of Effect**

The Bill was introduced into the House of Representatives on 27 November 2008. It is scheduled for debate to resume in the Spring 2009 Parliamentary sittings.

#### **Contact Details**

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# **ENVIRONMENT**

## ***Amendments to the Fuel Quality Standards Regulations 2001***

### **Description of Issues**

The amendments to the *Fuel Quality Standards Regulations 2001*:

- addresses the different requirements for handling gas samples, as opposed to samples of liquid fuels such as petrol and diesel. For example, the requirement for one sample to be left with the occupier has been removed in relation to gas samples;
- removes diesohol as a fuel in its own right in the list of fuels in the definition of fuel under regulation 3(2). As a result, diesohol will be considered as a substitute for automotive diesel and, therefore, can only be supplied with an approval from the Minister under section 13 of the Act. This approach is intended to address the potential safety and operability issues that can arise from the handling and supply of diesohol as a result of the alcohol in the fuel;
- introduce a new requirement for fuel suppliers to keep records under section 19 of the Act at the place where the fuel is supplied; and
- introduce a new fee structure for application fees for approvals to vary fuel standards under section 13 of the Act.

### **Date of Effect**

1 November 2008

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## ***Amendment to the Fuel Standard (Automotive Diesel) Determination 2001***

### **Description of Issues**

The amendment allows for the blending of up to 5 per cent biodiesel in diesel supplied in Australia. The Determination has also been amended to include a new test method for cetane, where biodiesel is present in the diesel.

### **Date of Effect**

1 March 2009

### **Contact Details**

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## **Amendment to the *Environment Protection (Sea Dumping) Regulations 1983***

### **Description of Issues**

The *Environment Protection (Sea Dumping) Amendment Regulations 2009 (No. 1)* amend the *Environment Protection (Sea Dumping) Regulations 1983* to simplify the fee structure and increase fees for permits under the *Environment Protection (Sea Dumping) Act 1981*. Permits are required under the Act for dumping into the sea, incineration at sea, artificial reef placements and related matters. These amendments were necessary to comply with the Australian Government Cost Recovery Policy, which requires agencies to set charges to recover the full cost of regulation where it is efficient to do so.

The amending regulations can be viewed at the following link:

<http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/asmade/bytitle/896731D86B5BC139CA25758A000A06B2?OpenDocument>

### **Date of Effect**

The amendments commenced on 17 April 2009

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## ***Threat abatement plan for disease in natural ecosystems caused by *Phytophthora cinnamomi****

### **Description of Issues**

The threat abatement plan set out the research, management and other actions necessary to reduce the key threatening process concerned to an acceptable level in order to maximize the chances of the long-term survival in nature of native species and ecological communities affected by the process.

The threat abatement plan is available electronically from the Australian Government Department of Environment, Water, Heritage and the Arts at

<http://www.environment.gov.au/biodiversity/threatened/tap-approved.html> or from the Community Information Unit email [ciu@environment.gov.au](mailto:ciu@environment.gov.au) phone 1800 803 7722, or by post from the Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2601

### **Date of Effect**

17 June 2009

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## ***Threat abatement plan for the impacts of marine debris on vertebrate marine life***

### **Description of Issues**

The threat abatement plan sets out the research, management and other actions necessary to reduce the key threatening process concerned to an acceptable level in order to maximise the chances of the long-term survival in nature of native species and ecological communities affected by the process.

The threat abatement plan is available electronically from the Australian Government Department of Environment, Water, Heritage and the Arts at <http://www.environment.gov.au/biodiversity/threatened/tap-approved.html> or from the Community Information Unit email [ciu@environment.gov.au](mailto:ciu@environment.gov.au) phone 1800 803 7722, or by post from the Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2601

### **Date of Effect**

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## ***Threat abatement plan to reduce the impacts of exotic rodents on biodiversity on Australian offshore islands of less than 100 000***

### **Description of Issues**

The threat abatement plan sets out of research, management and other actions necessary to reduce the key threatening process concerned to an acceptable level in order to maximise the chances of the long-term survival in nature of native species and ecological communities affected by the process.

The threat abatement plan is available electronically from the Australian Government Department of Environment, Water, Heritage and the Arts at <http://www.environment.gov.au/biodiversity/threatened/tap-approved.html> or from the Community Information Unit email [ciu@environment.gov.au](mailto:ciu@environment.gov.au) phone 1800 803 7722, or by post from the Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2601

### **Date of Effect**

3 July 2009

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## ***Threat abatement plan for predation by feral cats***

### **Description of Issues**

The threat abatement plan sets out the research, management and other actions necessary to reduce the key threatening process concerned to an acceptable level in order to maximise the chances of the long-term survival in nature of native species and ecological communities affected by the process.

The threat abatement plan is available electronically from the Australian Government Department of the Environment, Water, Heritage and the Arts at

<http://www.environment.gov.au/biodiversity/threatened/tap-approved.html> or from the Community Information Unit email [ciu@environment.gov.au](mailto:ciu@environment.gov.au), phone 1800 803 772, or by post from the Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2614.

### **Date of Effect**

13 January 2009

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## ***Threat abatement plan for predation by the European red fox***

### **Description of Issues**

The threat abatement plan sets out the research, management and other actions necessary to reduce the key threatening process concerned to an acceptable level in order to maximise the chances of the long-term survival in nature of native species and ecological communities affected by the process.

The threat abatement plan is available electronically from the Australian Government Department of the Environment, Water, Heritage and the Arts at

<http://www.environment.gov.au/biodiversity/threatened/tap-approved.html> or from the Community Information Unit email [ciu@environment.gov.au](mailto:ciu@environment.gov.au), phone 1800 803 772, or by post from the Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2614.

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## ***Threat abatement plan for competition and land degradation by rabbits***

### **Description of Issues**

The threat abatement plan sets out the research, management and other actions necessary to reduce the key threatening process concerned to an acceptable level in order to maximise the chances of the long-term survival in nature of native species and ecological communities affected by the process.

The threat abatement plan is available electronically from the Australian Government Department of the Environment, Water, Heritage and the Arts at <http://www.environment.gov.au/biodiversity/threatened/tap-approved.html> or from the Community Information Unit email [ciu@environment.gov.au](mailto:ciu@environment.gov.au), phone 1800 803 772, or by post from the Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2614.

**Date of Effect**

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***Threat abatement plan for competition and land degradation by unmanaged goats***

**Description of Issues**

The threat abatement plan sets out the research, management and other actions necessary to reduce the key threatening process concerned to an acceptable level in order to maximise the chances of the long-term survival in nature of native species and ecological communities affected by the process.

The threat abatement plan is available electronically from the Australian Government Department of the Environment, Water, Heritage and the Arts at <http://www.environment.gov.au/biodiversity/threatened/tap-approved.html> or from the Community Information Unit email [ciu@environment.gov.au](mailto:ciu@environment.gov.au), phone 1800 803 772, or by post from the Department of the Environment, Water, Heritage and the Arts, GPO Box 787, Canberra ACT 2614.

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***Amendments to the Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995***

**Description of Issues**

The *Ozone Protection and Synthetic Greenhouse Gas Management Amendment Regulations (No. 1) 2009* introduce a range of new permit conditions for existing holders of RAC Industry Permits issued under the Principal Regulations. A number of new offences are introduced, including offences of breaching a permit condition.

There are also a number of minor changes to fire protection and methyl bromide regulations.

**Date of Effect**

9 February 2009

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## **GREAT BARRIER REEF MARINE PARK**

### ***Great Barrier Reef Marine Park and Other Legislation Amendment Act 2008***

**Description of Issues**

The *Great Barrier Reef Marine Park and Other Legislation Amendment Act 2008* implements recommendations of the 2006 Review of the *Great Barrier Reef Marine Park Act 1975*.

The Act establishes a modern regulatory framework for the protection and management of the Great Barrier Reef through:

- a modern framework for management of the Great Barrier Reef that is aligned and integrated with the *Environment Protection and Biodiversity Conservation Act 1999* and other key legislation
- streamlined environmental impact assessment and permitting processes
- enhanced capability for investigation and evidence collection
- a wider range of enforcement options allowing for a more tailored approach to enforcement.

**Date of Effect**

Schedules 1-3 of the Bill came into effect upon the Royal Assent – 25 November 2008.

Schedule 4-6 will come into effect on proclamation, or if not proclaimed earlier, 12 months from the date of Royal Assent (i.e. 25 November 2009). It is expected that Schedules 4-6 will commence on 25 November 2009.

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## **WATER**

### ***Water Information Regulations***

**Description of Issues**

The *Water Amendment Regulations 2008 (No. 2)* amend the *Water Regulations 2008* to ease the requirements for reporting certain information and updated schedules of named persons and commercially sensitive sites

The Regulations can be found at:

<http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/asmade%5Cbytitle/CA3CD6949D57E82ECA25750B001B15E7?OpenDocument>

**Date of Effect**

The regulations came into effect on 2 December 2008

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***Water Information Regulations*****Description of Issues**

The *Water Amendment Regulations 2009 (No. 1)* remove Schedule 2 (Persons) and Schedule 4 (Commercially sensitive sites) from the *Water Regulations 2008* and replace them as lists on the Bureau of Meteorology's website at [www.bom.gov.au/water/regulations/schedules](http://www.bom.gov.au/water/regulations/schedules). This allows the Bureau to more easily update the lists. The obligations of organisations to provide water information under the *Water Regulations 2008* will not change.

**Consultation Opportunities**

The majority of persons named in the *Water Regulations 2008* are state and local government entities. The Bureau consulted the States and Territories about the legislative proposal through the Jurisdictional Reference Group on Water Information (JRGWI). JRGWI provides a forum for the States, Territories and the Bureau to exchange views and advise the Bureau on water information activities. It includes representatives from each State and Territory.

**Expected Timetable**

The regulations commenced on 14 July 2009.

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# DESCRIPTION OF REGULATORY ACTIVITY PLANNED FOR THE CURRENT FINANCIAL YEAR 2009/2010

- Antarctica
  - Arts and Culture
  - Environment
  - Heritage
  - Great Barrier Reef Marine Park
  - Parks Australia
  - Water
- 

## **ANTARCTICA**

### ***Antarctic Tourism and Environmental Protection – regulation of insurance and contingency planning, liability arising from environmental emergencies, and the landing of persons from passenger vessels***

#### **Description of Issues**

Amendment to the *Antarctic Treaty (Environment Protection) Act 1980* is proposed to implement domestically Australia's Antarctic Treaty obligations pursuant to:

- Measure 4 (2004) – Insurance and Contingency Planning for Tourism and Non-governmental activities in the Antarctic Treaty Area;
- Measure 1 (2005) – Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty: Liability Arising from Environmental Emergencies; and
- Measure 15 (2009) – Landing of Persons from Passenger Vessels in the Antarctic Treaty Area.

Under amendments pursuant to Measure 4 (2004) companies or individuals organising or conducting tourism or other non-governmental activities in the Antarctic:

- would need to establish and maintain appropriate contingency plans; and arrangements for health and safety; search and rescue; medical care; and evacuation prior to commencing an activity; and
- would require insurance or other arrangements – adequate to meet the costs of search and rescue, medical care and evacuation.

The amendments would contribute to improved safety outcomes for tourism and other non-governmental activities occurring in the Antarctic.

Under amendments pursuant to Measure 1 (2005) environmental emergencies relating to scientific programs, tourism and all other governmental and non-governmental activities in the Antarctic:

- would need to undertake reasonable preventative measures to reduce the risk of environmental emergencies and their potential adverse impact;

- would need to establish and maintain contingency plans for responses to incidents with potential adverse impacts on the Antarctic environment;
- would need to take prompt and effective response action to environmental emergencies arising from the activities of that operator; and
- would require adequate insurance or other financial security to cover potential liability for failure to take prompt and effective response action.

The amendments would contribute to improved response action to environmental emergencies relating to scientific programs, tourism and all other governmental and non-governmental activities occurring in the Antarctic.

Under amendments pursuant to Measure 15 (2009) companies or individuals organising or conducting tourism or other non-governmental activities in the Antarctic:

- would need to refrain from making any landings in Antarctica from vessels carrying more than 500 passengers;
- would need to coordinate between with each other with the objective that not more than one tourist vessel is at a landing site at any one time;
- would need to restrict the number of passengers on shore at any one time to 100 or fewer; and
- would need to maintain a 1:20 guide-to-passenger ratio.

The amendments would contribute to improved safety and environmental outcomes for tourism and other non-governmental activities occurring in Antarctica.

### **Consultation Opportunities**

The Australian Antarctic Division has consulted on an ongoing basis with Australian Antarctic tourism operators and relevant Australian and Tasmanian government agencies, and non-government organisations, over the implications arising from the above Measures and envisaged amendments to the legislation.

Ongoing liaison will be maintained with the above stakeholders during the development of the legislative amendments.

### **Expected Timetable**

The complex nature of the amendments required to give effect to the obligations arising, and potential requirement of a new object of the statute, mean that legislative changes are not anticipated prior to the second half of 2010.

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## **ARTS AND CULTURE**

### ***The legislative review of the Protection of Movable Cultural Heritage Act 1986 and the Protection of Movable Cultural Heritage Regulations 1987 (PMCH legislation)***

#### **Description of Issues**

The review of the PMCH legislation is considering the operation of the legislation and the extent to which it is achieving its purpose. It is allowing consideration of whether the legislation has the right balance between protecting our most significant cultural objects and the normal and legitimate commercial trade in cultural property. It is looking at ways to improve and streamline Australia's ability to effectively protect objects of national cultural and artistic significance.

#### **Consultation Opportunities**

Public submissions have been invited and are now closed.

Key stakeholders including public collecting institutions, experts in cultural property, industry and trade groups such as auction houses, state heritage agencies and community groups have been provided with a discussion paper for consultation and submission.

Web link [http://www.arts.gov.au/public\\_consultation/pmch-review](http://www.arts.gov.au/public_consultation/pmch-review)

Further consultation by Cultural Property Section was undertaken with community groups, auction houses and public collecting institutions. This consultation included meetings with key stakeholders to continue discussions on specific areas of cultural property.

#### **Expected Timetable**

Due to the large number of submissions received after 6 March 2009 and the complex nature of some of the issues raised, it is anticipated the PMCH Legislation Review Report will now be completed by the end of July 2009.

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### ***Review of the feasibility of extending the legal deposit scheme to audiovisual and electronic materials***

#### **Description of Issues**

Section 201 of the *Copyright Act 1968* requires the publishers of any library material that is published in Australia and under which copyright subsists to provide a copy of the material to the National Library of Australia. Library material is defined in section 201 and encompasses most print publications. These legislative provisions establish a scheme, commonly known as legal deposit, under which print publications are preserved for posterity and, within the relevant copyright provisions, made available for research. However, information is increasingly communicated through other mechanisms than print and there is concern that important material may not be preserved unless the legal deposit scheme is extended to include other forms of communication.

#### **Consultation Opportunities**

In late 2007, the Attorney-General's Department (AGD) and the then Department of Communications, Information Technology and the Arts jointly released the 2007 Discussion Paper on the Extension of

Legal Deposit:

([http://www.ag.gov.au/www/agd/agd.nsf/Page/Copyright\\_IssuesandReviews\\_ReviewoftheExtensionofLegalDeposit](http://www.ag.gov.au/www/agd/agd.nsf/Page/Copyright_IssuesandReviews_ReviewoftheExtensionofLegalDeposit))

Copies of the submissions received are available at:

[http://www.arts.gov.au/public\\_consultation/submissions-closed/discussion\\_paper\\_on\\_the\\_extension\\_of\\_legal\\_deposit\\_of\\_library\\_material/submissions](http://www.arts.gov.au/public_consultation/submissions-closed/discussion_paper_on_the_extension_of_legal_deposit_of_library_material/submissions)

Due to the complex issues raised by a number of submissions, the Department of the Environment, Water, Heritage and the Arts, in conjunction with AGD, will undertake further consultation in 2009/10.

It is anticipated that this will initially be through meetings and discussions with stakeholders, particularly those who submitted responses to the 2007 Discussion Paper.

### **Expected Timetable**

Initial consultation is anticipated to commence in September 2009.

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## ***ENVIRONMENT***

### ***Potential treaty making action for changes to the Stockholm Convention on Persistent Organic Pollutants***

#### **Description of Issues**

The Stockholm Convention commits governments to reducing, and where feasible, eliminating the production and environmental releases of persistent organic pollutants (POPs), chemicals that are persistent, undergo long range environmental transport, bioaccumulate and are toxic or show adverse effects. Australia ratified the Stockholm Convention in 2004.

The Conference of the Parties, at its 4th meeting in May 2009, agreed to list 9 new chemicals in the annexes to the convention for restriction or elimination:

- Chlordecone
- Hexabromobiphenyl
- Pentachlorobenzene
- Lindane
- Alpha hexachlorocyclohexane
- Beta hexachlorocyclohexane
- Tetrabromodiphenyl ether and pentabromodiphenyl ether (commercial pentabromodiphenyl ether)
- Hexabromodiphenyl ether and heptabromodiphenyl ether (commercial octabromodiphenyl ether)
- Perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride (PFOS)

Only two of these chemicals are currently in use in Australia – Lindane and PFOS:

Lindane is currently used under permit to treat symphyliids in pineapples in Queensland. Alternatives are currently being trialled. Lindane was deregistered for general use in 1985.

Perfluorinated substances are used in a wide variety of applications. There are allowances available under the COP decision to enable continued use of PFOS for certain essential uses. These will be explored during the consultation process outlined below.

### **Consultation Opportunities**

Extensive consultation, including preparation of a RIS, was conducted prior to the 4<sup>th</sup> meeting of the COP. The Office of Best Practice Regulation has agreed that the RIS satisfies the Australian Government's RIS requirements as specified in the Best Practice Regulation Handbook.

### **Expected Timetable**

An estimated timetable is not yet available

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## ***National action on product stewardship arrangements for end-of-life televisions and computers***

### **Description of Issues**

A Regulatory Impact Statement (RIS) process is being undertaken to explore the costs and benefits of a range of options for a national scheme to manage end-of-life televisions and computers.

### **Consultation Opportunities**

Stakeholders have actively been involved in the development of options being explored in the RIS. The decision to explore regulatory options is supported by the results of a choice modelling study for recycling of televisions and computers. Choice modelling is a survey based methodology for determining people's willingness to pay for particular goods and services. The methodology works by giving people a set of choices and asking them to make trade-offs between various attributes including costs. It is considered to be a more reliable way of determining community values than just asking people directly what they would be willing to pay.

A Consultation RIS is planned to be released in July 2009 with a 4 week consultation period, including public meetings in most capital cities. This will be published on the EPHC website at [www.ephc.gov.au](http://www.ephc.gov.au).

### **Expected Timetable**

This matter is a priority for the Environment Protection and Heritage Council (EPHC), who have indicated they will make a decision on this matter at the next EPHC meeting in November 2009. A Decision RIS will be prepared for consideration by EPHC in November 2009. Depending on the decision taken by EPHC, development of regulations and or legislation by the Commonwealth and/or jurisdictions will be required to be developed.

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## ***National action on product stewardship arrangements for end-of-life tyres***

### **Description of Issues**

A Decision Regulatory Impact Statement (RIS) is being prepared to explore the costs and benefits of options for a national scheme to deal with increasing amounts of end-of-life tyre waste and to identify a preferred approach.

A number of options including regulatory and co-regulatory arrangements will be evaluated through the Decision RIS process.

### **Consultation Opportunities**

In May 2008, EPHC released a consultation package for public comment, including a Consultation RIS which examined a number of approaches to improve the end-of-life management of tyres, including the tyre industry's preferred approach. As part of the consultation process, public forums were held in all Australian capital cities during June 2008. A total of 38 written submissions were received in response to the release of the consultation package.

It is expected that there will be opportunities for further engagement with key stakeholders in relation to the development of the Decision RIS.

### **Expected Timetable**

This matter is a priority for the Environment Protection and Heritage Council (EPHC). A Decision RIS will be prepared for consideration by EPHC in November 2009.

Depending on the decision taken by EPHC, development of regulations and or legislation by the commonwealth and/or jurisdictions, will be required to be developed.

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## ***National action to reduce the impact of packaging on the environment***

### **Description of Issues**

Subject to decision by the Environment Protection and Heritage Council (EPHC) a Regulation Impact Statement (RIS) is proposed to explore the costs and benefits of a range of options to reduce the impact of packaging on the environment. A decision on options to be considered will be made after EPHC has considered a study on community willingness to pay for national measures to reduce the impact on the environment.

If agreed, this RIS will examine options to manage packaging throughout the supply chain. The regulatory options which may be considered aim to reduce the overall environmental impact of packaging through:

- better design
- increased resource recovery (in particular from the commercial and industrial sector)
- reduced litter
- increased product stewardship engagement from the packaging supply chain.

It will involve all state and territory governments. It will affect the packaging supply chain and local government. It may result in a small increase in the price of packaged goods.

### **Consultation Opportunities**

EPHC will take a decision on whether or not to include a variety of options in a packaging RIS at its meeting in November 2009.

Stakeholders have been involved in the cost effectiveness study undertaken in 2008 and the choice modelling study currently under way.

A consultation RIS is planned to be released in January 2010 with a 6 week consultation period, including public meetings in most capital cities. This will be published on the EPHC website at [www.ephc.gov.au](http://www.ephc.gov.au).

### **Expected Timetable**

A decision RIS will be prepared for consideration by EPHC in April 2010

The option/s chosen by EPHC for the management of packaging waste will be implemented in July 2011.

Depending on the decision these may involve development of legislation by the commonwealth and/or jurisdictions, to meet the July 2011 start date.

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## ***National Waste Policy***

### **Description of Issues**

The National Waste Policy will, inter alia, explore the extent to which it can address market, regulatory and governance failures, duplications and inconsistencies.

Areas of interest include: implementing a national product stewardship framework underpinned by free-rider legislation; a nationally consistent classification system regarding what constitutes a waste (and various classes of waste), co-product, by-product; and national standards and requirements for labelling of manufactured goods and consumables in regard to hazardous materials, including heavy metals and chemicals.

The aims of these proposals will be to avoid the generation of waste, reduce the amount of waste (including hazardous waste) for disposal, to manage waste as a resource and to ensure that waste disposal is done in a safe, scientific and environmentally sound manner.

The nature and benefits of anticipated changes and who will be affected is the subject of current consultations and further investigation. A regulatory impact statement on the National Waste Policy is planned with specific proposals likely to be the subject of separate detailed consideration.

## **Consultation Opportunities**

A Consultation Paper on the National Waste Policy was published on 7 April 2009 and submissions invited on the scope, key elements and priorities. A series of meetings were held including discussions between senior officials of all levels of government, public consultations in each capital city and a sample of regional centres and individual stakeholder meetings. A leaders' forum was hosted by Minister Garrett and attended by representatives from industry, business, all levels of government and the community. Over 420 people attended the public consultation sessions and the department received 143 written submissions.

A discussion paper – Draft National Waste Policy Framework – less waste more resources was published in July 2009 and public comment invited including ideas on priority strategies and action.

The development of the National Waste Policy is being led by the Australian Government with the support of the Environment Protection and Heritage Council.

More information can be found about these consultation opportunities at:

[www.environment.gov.au/wastepolicy](http://www.environment.gov.au/wastepolicy).

## **Expected Timetable**

July – public comment on the draft framework – 4 weeks

5 November 2009 – the Environment Protection and Heritage Council consider the draft National Waste Policy

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## **Amendments to the *Fuel Quality Standards Act 2000***

### **Description of Issues**

The Fuel Quality Standards Amendment Bill 2009 amends the Act to:

- improve the process for granting approvals to vary fuel standards under section 13 of the Act;
- expand the range of conditions that the Minister can apply to an approval;
- expand the range of enforcement options including civil penalties, infringement notices and enforceable undertakings;
- enhance monitoring powers; and
- expand the information sharing powers under the Act.

## **Consultation Opportunities**

A comprehensive consultation process was conducted as part of the statutory review of the Act. Key stakeholders were consulted including the fuel industry, vehicle manufacturers, government agencies and consumer groups.

## **Expected Timetable**

The Fuel Quality Standards Amendment Bill 2009 was introduced on 18 March 2009.

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**Amendments to the Fuel Quality Standards Regulations 2001****Description of Issues**

The amendments to the Regulations relate to:

- clarifying that financial hardship is not the only basis for waiving of section 14 application fees (regulation 6);
- specifying requirements relating to new provisions on applications and fees for emergency approvals and for variations of approvals;
- removing provisions relating to expert advisers which have been removed from the Act;
- including provisions relating to administration of infringement notices and enforceable undertakings which are new enforcement provisions in the Act;
- amending regulation 7A to include a timeframe for providing documents that must accompany fuel supplies as a result of a new civil penalty provision;
- amending the definition of fuel to include a definition of a blend; and
- including a reference to other state and territory legislation to facilitate a new provision providing broader information sharing powers with other agencies.

**Consultation Opportunities**

Key stakeholders will be consulted, including the fuel industry, vehicle manufacturers, government agencies and consumer groups.

**Expected Timetable**

These amendments to the *Fuel Quality Standards Regulations 2001* will be pursued once the Fuel Quality Standards Amendment Bill 2009 has been passed by both Houses of the Parliament. This is expected to be completed in 2009-10.

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## ***Amendments to the Product Stewardship (Oil) Regulations 2000 to clarify eligibility requirements for product stewardship benefits***

### **Description of Issues**

The *Product Stewardship (Oil) Regulations 2000* prescribe the eligibility criteria and related administrative requirements for the payment of product stewardship benefits for the recycling of used oil.

Some provisions have been found to be ambiguous or impracticable to administer. Amendments are proposed to clarify any ambiguities and provide a practicable regulatory regime which can be readily understood and complied with by claimants of product stewardship benefits.

The proposed amendments are largely technical in nature and will have little impact on benefit claimants.

### **Consultation Opportunities**

The *Product Stewardship (Oil) Regulations 2000* affect only recyclers of used oil who choose to claim product stewardship benefits. The number of claimants is small.

Consultation on some proposed amendments has already occurred. Further consultation with benefit claimants will be conducted as required.

### **Expected Timetable**

It is intended that policy approval will be sought and amendment regulations drafted in the third quarter of 2009.

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## ***Consultation Regulatory Impact Statement for Non-Road Spark-Ignition Engines and Equipment (RIS)***

### **Description of Issues**

In November 2008, the Environment Protection and Heritage Council (EPHC) agreed to the preparation of a RIS to determine the costs and benefits of introducing a national approach to the management of emissions from garden equipment and marine spark ignition engines. DEWHA is leading the preparation of the RIS. Emissions from these engines can make a significant contribution to ambient air pollution.

### **Consultation Opportunities**

Sections of the garden engine and marine equipment industry have been consulted. Stakeholder consultation is continuing.

### **Expected Timetable**

EPHC is expected to make a decision early in 2010 on its preferred way forward. The consultation RIS is expected to be released in the fourth quarter of 2009.

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## ***Consultation Regulatory Impact Statement for Wood Heaters (RIS)***

### **Description of Issues**

In November 2008, the Environment Protection and Heritage Council agreed to the preparation of a RIS to determine the costs and benefits of introducing a national approach to the management of wood heater emissions. The department is leading the preparation of the RIS. The emissions from wood heaters make a significant contribution to the levels of particles in ambient air in a number of urban areas in NSW, the ACT and Tasmania.

### **Consultation Opportunities**

The wood heater industry, including manufacturers, has been consulted and have contributed sales and general industry information as input to the draft RIS.

### **Expected Timetable**

The Environment Protection and Heritage Council is expected to make a decision early in 2010. The consultation RIS is expected to be released in the fourth quarter of 2009.

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## ***Proposal to ban the import and manufacture of equipment containing or designed to contain hydrochlorofluorocarbon (HCFC) refrigerants***

### **Description of Issues**

Amendment to the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* to prohibit imports and manufacture as described above.

This policy is proposed to curb the growing bank of HCFC containing equipment preparatory to Australia's phase out of the import of HCFC required for maintenance in accordance with obligations under the Montreal Protocol.

### **Consultation Opportunities**

Consultation on this issue has already occurred as part of the broader consultations around the development of the Carbon Pollution Reduction Scheme.

Further consultation will be undertaken through direct contact with all known importers and manufacturers in Australia.

Information will also be available on the DEWHA website at [www.environment.gov.au/atmosphere/ozone](http://www.environment.gov.au/atmosphere/ozone)

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## ***Proposed simplification of the Fire Protection Regulations***

### **Description of Issues**

Amendment to the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations 1995* to remove the requirement for Licensed Aviation Maintenance Engineers to hold a separate Fire Protection Permit.

This policy is proposed to reduce compliance costs and unnecessary duplication.

### **Consultation Opportunities**

Consultation on this issue has already occurred as part of the policy development.

### **Expected Timetable**

It is expected that the regulations will be made in the first half of 2010.

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## ***HERITAGE***

### ***Review of the Historic Shipwrecks Act 1976 and consideration of ratification of the UNESCO 2001 Convention for the Protection of the Underwater Cultural Heritage.***

#### **Description of Issues**

The review of the *Historic Shipwrecks Act 1976* will consider the operation of the legislation and the extent to which it is achieving its purpose, the new international framework for managing underwater cultural heritage and raises questions concerning current heritage policy needs.

In January 2009 the Underwater Cultural Heritage Convention came into force. It sets a new international standard for managing underwater cultural heritage. The *Historic Shipwrecks Act 1976* mostly complies with the requirements of the Underwater Cultural Heritage Convention, although there are some gaps in Australia's legislation that would need to be addressed if Australia was to ratify the Underwater Cultural Heritage Convention.

While the process of considering ratification is separate to that of reviewing the *Historic Shipwrecks Act 1976*, both issues are closely related. The review is therefore considering whether the Act should be amended having regard to both the Underwater Cultural Heritage Convention and international best practice.

### **Consultation Opportunities**

A discussion paper was prepared and released on 5 June 2009. Public submissions are invited until 17 July 2009. Information concerning the review and discussion paper is available on the departmental web site. <http://www.environment.gov.au/heritage/shipwrecks/review/index.html>

Hard copies were mailed out to key Commonwealth and State stakeholders, and bulk copies to the State and Territory Historic Shipwreck Delegates to enable them to distribute to their state based key stakeholders. Approximately 850 copies have been distributed.

The Department is currently undertaking consultation on both the *Historic Shipwrecks Act 1976* and the Underwater Cultural Heritage Convention with key State government agencies (historic and indigenous heritage and land management departments), through meetings in each state capital as required.

### **Expected Timetable**

1. 5 June release of discussion paper
2. 5 June - 17 July 2009 public consultation phase
3. 30 October 2009 Review completed

### **Contact Details**

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## ***Indigenous heritage law reform – Aboriginal and Torres Strait Islander Heritage Protection Act 1984***

### **Description of Issues**

The Government has decided to consult the public about proposals for major reform of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. The legislation was originally a temporary measure to enable the Australian Government to respond to requests from Indigenous people to protect traditional areas and objects from threats when the state or territory law does not provide 'effective protection'.

Requests for Australian Government protection often arrive late when projects are about to commence. As a result, the Act has not proven to be an effective way of protecting Indigenous heritage, has increased conflict between developers and Indigenous Australians and has created uncertainty about development approvals. In addition the Act has not kept pace with improvements in state and territory laws or with more recent Commonwealth laws including the *Native Title Act 1993* and the *Environment Protection and Biodiversity Conservation Act 1999*

### **Consultation Opportunities**

The Government will consider written submissions on a set of proposed reforms in a discussion paper. Stakeholders will have 13 weeks to lodge submissions. Departmental officers will host information sessions at more than 30 regional locations in all states and territories for Indigenous people and their organisations and other interested persons, and will meet peak organisations and industry groups, and state and territory government agencies as required.

### **Expected Timetable**

Consultation is likely to commence early August 2009 with a closing date for submissions in early November 2009.

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## **GREAT BARRIER REEF MARINE PARK**

### ***Amendments to regulations to implement the 2006 Review of the Great Barrier Reef Marine Park Act 1975***

#### **Description of Issues**

Regulation amendments are required to implement recommendations of the 2006 Review of the *Great Barrier Reef Marine Park Act 1975*.

The amendments will overhaul existing permitting provisions to establish a modern and better streamlined permitting system under the *Great Barrier Reef Marine Park Regulations 1983* (GBRMP Regulations).

The amendments will also make changes to the GBRMP Regulations and the *Environment Protection and Biodiversity Conservation Regulations 2000* that are consequential to the *Great Barrier Reef Marine Park Amendment Act 2007* and the *Great Barrier Reef Marine Park and Other Legislation Amendment Act 2008*.

#### **Consultation Opportunities**

Key stakeholders will be consulted on the proposed amendments

### **Expected Timetable**

Consultation is expected to occur in the second half of 2009, with the amendments finalised in October 2009.

The amendments will take effect at the same time as Schedules 4-6 of the *Great Barrier Reef Marine Park and Other Legislation Amendment Act 2008*, likely to be in November 2009.

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## **PARKS**

### ***Management Plans for the Commonwealth reserves of Uluru-Kata Tjuta National Park, Booderee National Park, Australian National Botanic Gardens and Christmas Island National Park.***

#### **Description of Issues**

Management Plan describing how these areas will be managed for a 10 year period, which may include natural and cultural heritage management, visitor management and approved commercial activities in the reserve. The Plans may continue the restrictions and allowances described in the previous plans of management for each location. The Plans must apply the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* and associated regulations.

## **Consultation Opportunities**

A notice was published in the Australian Government gazette and in the press, seeking comments from stakeholders and the public towards the creation of the draft plans (a “have your say” process).

Once the draft plan is approved for release, a notice will be published in the Australian Government gazette and in the press, seeking comments from stakeholders and the public.

Draft plans will be made available on the internet and in hard copy, and comments from the public and stakeholders may be incorporated into the final plans where considered appropriate.

## **Expected Timetable**

The plans normally take approximately 18 months to develop and have the following steps (outlined below for each plan).

### **Uluru-Kata Tjuta National Park**

- 1) Notice seeking comments to create a draft plan were published on 15 March 2006.
- 2) The draft Uluru-Kata Tjuta National Park Management Plan is due to be published on 8 July 2009 following a rigorous consultation period with stakeholders and traditional owners. The Management Plan is not expected to have a significant impact on visitor activities in the park or a significant financial impact on business or individuals.
- 3) Public notice seeking comments on the draft plan will be placed in the gazette, press and internet. The comment period for the draft plan will be open for 2 months.
- 4) Publication of (final) plan of management. We are working to have the plan finalised/published by the end of December 2009.

### **Booderee National Park**

- 1) Notice seeking comments to create a draft plan were published in October 2008. The public comment period closed in November 2008.
- 2) The draft Booderee National Park Management Plan is expected to be published in September or October 2009. The Management Plan is not expected to have a significant impact on visitor activities in the park or a significant financial impact on business or individuals.
- 3) Public notice seeking comments on the draft plan will be placed in the gazette, press and internet once the draft plan is published. The comment period will be open for 30 days (minimum).
- 4) The final plan is expected to be published by March 2010.

### **The Australian National Botanic Gardens**

- 1) Notice seeking comments to create a draft plan were published in December 2008. Comments closed in February 2009.
- 2) The draft Australian National Botanic Gardens Management Plan is expected to be published in October 2009. The Management Plan is not expected to have a significant impact on visitor activities in the park or a significant financial impact on business or individuals.
- 3) Public notice seeking comments on the draft plan will be placed in the gazette, press and internet once the draft plan is published. The comment period will be open for 30 days (minimum).
- 4) The final plan is expected to be published by March 2010.

### **Christmas Island National Park**

- 1) Notice seeking comments to create a draft plan were published in December 2007. Comments closed in February 2008.

- 2) The draft Christmas Island National Park Management Plan is expected to be published in December 2009. The Management Plan is not expected to have a significant impact on visitor activities in the park or a significant financial impact on business or individuals.
- 3) Public notice seeking comments on the draft plan will be placed in the gazette, press and internet once the draft plan is published. The comment period will be open for 30 days (minimum).
- 4) The final plan is expected to be published by May 2010.

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## **WATER**

### ***Review of the Water Efficiency Labelling and Standards Act 2005***

#### **Description of Issues**

The Water Efficiency and Labelling Standards (WELS) Scheme is proposed to be amended to allow the Minister to make Determinations to require third party certification as a prerequisite for WELS product registration

### **Consultation Opportunities**

WELS is a national scheme supported by mirror legislation in every State and Territory jurisdiction. Proposed changes to the *Water Efficiency Labelling and Standards Act 2005* (WELS Act) will necessarily be subject to the scrutiny of partner governments. The formal process of writing to relevant State and Territory ministers will be supported by consultations at officer level through the WELS Advisory Committee (WELSAC).

### **Expected Timetable**

The proposal implements a Government Response to a House of Representatives Inquiry.

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## ***Review of the operation of the Water Efficiency Labelling and Standards (WELS) scheme***

### **Description of Issues**

A review of the operation of the WELS scheme is due to commence during 2009-2010. The review is required by section 76 of the *Water Efficiency Labelling and Standards Act 2005*.

### **Consultation Opportunities**

It is expected that the review of the operation of the WELS scheme (when the review commences) will involve public consultation opportunities. These consultation opportunities will be publicised when details of the review are finalised.

Stakeholders should monitor the WELS scheme website [www.waterrating.gov.au](http://www.waterrating.gov.au) for further details.

### **Expected Timetable**

The review is expected to commence and conclude during the 2009-10 financial year.

### **Contact Details**

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