

21st Meeting of EPHC

Communiqué

5 July 2010

More progress on key environmental issues

Introduction

Australia's environment ministers made progress on the key issues of waste, heritage and water at the 21st meeting of the Environment Protection and Heritage Council (EPHC) in Darwin today. Environment ministers also focused on key environmental challenges relating to chemicals and air quality.

The Council decided on five priority areas for 2010 and beyond: air quality, water quality, heritage, waste and chemicals. Harmonisation of environmental regulations for industry—including adoption of common classifications, common methodologies and better coordinated reporting—was also discussed. Other priorities which emerged included the incorporation of indigenous values and management into heritage protection and water quality planning; a collaborative approach to the development of new environment legislation and the need to further investigate the links between climate change, water quality and soil health.

Environment ministers agreed to an Australian Underwater Cultural Heritage Convention Intergovernmental Agreement clarifying which jurisdictions have responsibility for particular maritime waters. This is the first step in Australia ratifying the UNESCO 2001 Convention for the Protection of the Underwater Cultural Heritage. Ministers also initiated new work around the implementation of the World Heritage Intergovernmental Agreement and the Cooperative National Heritage Agenda.

The Council reinforced its commitment to stronger cooperation on National Wind Farm Development Guidelines and agreed on actions relating to national ambient air quality standards as well as the interactions between water quality and water quantity in water resource planning.

Council is enthusiastic about their renewed commitment to meet COAG and international obligations for the sound management of chemicals, with all jurisdictions committing to the establishment of an independent standard-setting body for chemicals in the environment which will report to the EPHC.

The Council reinforced its commitment to action on waste management issues, and today's meeting marked progress on the implementation of the National Waste Policy, and on electronic waste. Council also agreed to the introduction of minimum water efficiency standards for clothes washing machines and water efficiency labelling for combined washers dryers that use water in dryer-mode.

EPHC Strategic Plan 2010-14

Council adopted a new strategic plan to meet its priorities for the period 2010-14. While confirming the Council's broad environment protection and heritage agenda, particular focus is given to issues of air quality, water quality, national heritage policy, waste management and chemicals in the environment.

The new strategic plan aligns with COAG priorities in relation to sustainability, climate change, water, population and land use planning, Indigenous participation, employment opportunities and regulatory reform.

HERITAGE

Australian Underwater Cultural Heritage Intergovernmental Agreement

Council endorsed the Australian Underwater Cultural Heritage Intergovernmental Agreement which clarifies the roles and responsibilities of the Commonwealth, the States and the Northern Territory in relation to the management of Australia's underwater cultural heritage, as a precursor to Australia ratifying the UNESCO 2001 Convention on the Protection of the Underwater Cultural Heritage.

CNHA Supporting Local Government Project

Council noted the completion of the Supporting Local Government Project, which forms part of the Cooperative National Heritage Agenda, and commended the output documents from the project to the Local Government and Planning Ministerial Council.

Australian World Heritage Advisory Committee

Council welcomed a progress report from the Australian World Heritage Advisory Committee (AWHAC) and noted AWHAC's intention to provide its formal advice in late 2010. Council agreed to amend the AWHAC terms of reference to clarify and streamline the appointment of AWHAC members.

CLIMATE CHANGE

National Wind Farm Development Guidelines

Wind energy has the potential to deliver a significant proportion of Australia's future electricity needs and contribute to national greenhouse gas abatement objectives. In light of the expected increase in wind farm development in coming years EPHC has prepared a set of draft National Wind Farm Development Guidelines which aim to outline best practice for industry and planning authorities in areas including, heritage, threatened species and turbine noise.

The draft Guidelines are being released for a period of twelve months to allow further consultation with relevant stakeholders. It is not the intention of these guidelines to be mandatory or change existing jurisdictional statutory processes, but to provide a basis for further consultation and consideration of the role of national guidelines in existing state approval processes.

WASTE MANAGEMENT

National Waste Policy

Australia's environment ministers have agreed on National Waste Policy priorities for the first five years of the ten-year strategy. The National Waste Policy Implementation Plan was endorsed by ministers today. The plan will ensure progress across all six key directions of the policy.

Initial focus will be on product stewardship and establishing mechanisms such as the National Product Stewardship Framework legislation that will enable development of an extended producer-responsibility scheme for televisions and computers and product stewardship arrangements for tyres. Facilitating national waste classification and data systems and publication of the second national waste report to support evidence based decisions will also be a priority. Market impediments will be addressed and work will commence on developing approaches to hazardous substances in products and articles sold in Australia. Governments, as major purchasers of goods and services, will promote sustainable procurement within their own operations. The National Waste Policy Implementation Plan will be published on the EPHC website.

Product Stewardship Framework Legislation and Television and Computer Product Stewardship

Council noted the considerable work being done to progress the development of the national product stewardship legislation and the development of a national collection and recycling scheme for televisions and computers. Council endorsed the development of a Code of Practice for e-waste recyclers as an interim measure until the development of an Australian Standard for collectors, transporters and recyclers of e-waste.

Beverage Container Investigation

The Council has agreed to undertake the development of a Consultation Regulatory Impact Statement for consultation. Whilst some aspects of the assessment have been contested substantial work has been completed on the assessment of options for national measures, to address resource efficiency, environmental impacts and the reduction of litter from packaging wastes such as beverage containers. Ministers agreed that a RIS will consider not only CDL, but also a limited number of options which may have a positive cost benefit and a tangible impact on recovery rates and litter reduction. The RIS process will be transparent and consultative and the scope and approach will be the subject of early engagement with key stakeholders. Council agreed to release the PwC choice modelling willingness-to-pay study, as well as the ABARE peer review of this work. The Council recognised the important contribution of the new Australian Packaging Covenant to resource recovery and litter reduction and the recent agreement by Council to renew the Covenant.

Movement of Controlled Waste NEPM

Ministers today initiated a minor variation to the Movement of Controlled Waste NEPM. A review of the Measure reported that the NEPM is effective, requiring only minor changes to delete obsolete clauses and to clarify terms that will ensure it does not create barriers to efficient implementation.

Publishers National Environment Bureau Sustainability Plan 2010-2015

Council congratulated the newspaper industry for their continued commitment to sustainability, and welcomed a record fifth voluntary product stewardship plan that will run from 2011-2015.

Ministers noted that the voluntary scheme, which is run through the industry's association (the Publishers National Environment Bureau), has again delivered against its target for recycling newspapers and magazines.

The current recycling rate of over 76 percent is one of the highest in the world. Council also recognised the industry's proposed new sustainability commitments for its supply chain, and water and energy efficiency.

Ministers further noted that the new 2011-2015 agreement proposes to move to a single mid-term report on progress towards 2015 objectives, and looks forward to receiving the progress report.

Australian Packaging Covenant and Used Packaging Materials NEPM

Australia's environment ministers discussed the future management of consumer packaging in Australia. Since 1999, the National Packaging Covenant - underpinned by the Used Packaging Materials NEPM - has been the primary national instrument for reducing the environmental impacts of packaging, co-existing with other regulatory measures.

Ministers agreed to a strengthened Australian Packaging Covenant, which commenced on 1 July 2010, and also agreed to vary the NEPM to align with the new Covenant. This will provide for the continuation of an effective co-regulatory arrangement in relation to the management of consumer packaging for the life of the Covenant. Ministers will receive annual reports against the Covenant's Strategic Plan 2010-15 to monitor progress.

The Australian Packaging Covenant marks a shift to increasing industry responsibility for operation of the Covenant. Ministers welcomed this increasing ownership by industry, consistent with other product stewardship schemes. At the same time, it reduces the 'red tape' burden on individual signatories through clearer and more targeted performance indicators. Ministers look forward to industry taking greater funding responsibility for the Covenant beyond the current term. Over the next five years, the Covenant will target improved design, away from home recycling, litter and product stewardship by all parties in the packaging chain.

WATER

National Water Quality Management Strategy - Review of Guidelines for Groundwater Protection in Australia

Council agreed to commence work on a revised edition of the Guidelines for Groundwater Protection in Australia 1995. The groundwater protection guidelines play an important role in the protection and management of groundwater quality in Australia. These guidelines provide a national framework for protecting groundwater from contamination, but have not been revised since they were first published by the Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) and Australia and New Zealand Environment and Conservation Council (ANZECC) in 1995. The revised groundwater protection guidelines will incorporate new information and address a number of groundwater protection issues that have emerged over the past 15 years. The revised guidelines will address issues such as groundwater values, groundwater-surface water connectivity, acid sulfate soils, surface and sub-surface groundwater dependent ecosystems, managed aquifer recharge, carbon and other chemical sequestration, and climate change. The revision process will be overseen by a joint steering committee made up of representatives from environment protection and natural resource management agencies across Australia.

National Guidance on Acid Sulfate Soil Assessment and Management

Acid sulfate soils (ASS) are a complex, cross jurisdictional issue experiencing increasing public recognition as a major environmental, planning, engineering and hydrological issue. The lack of suitable guidance is a limitation in assessing and managing these complex problems.

Based on scale, urgency, importance and impact, the identified gaps and inadequacies in ASS guidance include: inland ASS; groundwater guidance for dewatering and other activities that may disturb ASS; monosulfidic black ooze accumulation in waterways; dredging ASS sediments and dredge spoil management; and a review of existing technical guidance to ensure national consistency.

Council today agreed to publish the first of these guidance documents—*National Guidance on the Management of Acid Sulfate Soils in Inland Aquatic Ecosystems*—as an authoritative reference to support the management of inland forms of ASS. They also agreed to fund the development of documents to overcome the other critical knowledge gaps.

Water Efficiency and Labelling Standards Scheme - Expansion (Whitegoods)

Council noted the Decision Regulatory Impact Statement *Minimum Water Efficiency Standards for Clothes Washers and Water Efficiency Labelling for Combined Washer-Dryers*, and agreed with recommendations for the introduction of minimum water efficiency standards for clothes washing machines and water efficiency labelling for combined washers dryers that use water in dryer-mode. These new regulations will apply to models requiring registration under the WELS scheme from 1 October 2011. A copy of the Decision Regulatory Impact Statement will be made available on the Australian Government's WELS scheme website at <http://www.waterrating.gov.au>.

Water Efficiency and Labelling Standards Scheme - Interim Funding

Council agreed to provide interim funding of \$2 million on a shared 50:50 arrangement between the Australian Government, states and territories, to support the continued operation of the Water Efficiency Labelling and Standards (WELS) scheme during 2010-11 while Council considers the outcomes of the independent review of the WELS scheme and decides on future arrangements. The independent review was completed on 30 June 2010 and will be made available on the Australian Government Department of the Environment, Water, Heritage and the Arts website at www.environment.gov.au/welsreview.

AIR QUALITY

Ambient Air Quality NEPM Review

The National Environment Protection Council has released a discussion paper as part of the current review of the Ambient Air Quality NEPM. The discussion paper will be used as the basis for public consultation to gain stakeholder input on health and air quality information that may be used in determining the need to vary any aspect of this important National Environment Protection Measure. The AAQ NEPM was established to provide a nationally consistent approach to the monitoring and reporting of air quality in Australia and contains a nationally agreed set of air quality standards for the protection of public health. This discussion paper reviews the current evidence for the health effects associated with air pollution and the international trends in air quality standards. Council will consider the need for a variation to the NEPM to ensure that it remains at the forefront of current issues and international trends in air quality management in late 2010.

Air Quality and Health

The Council today accepted the findings of a study into the health effects of air pollution in Australian and New Zealand cities. The findings of the study are consistent with those of similar studies conducted overseas. The results of the study will inform the review of the Ambient Air Quality NEPM that is currently underway. EPHC is also working on a package of emission reduction actions that will lead to improvements in air quality and reduce the risk to the Australian population.

Air Toxics NEPM Midterm Review

The Council endorsed the findings of a mid-term review of the Air Toxics NEPM. The mid-term review focussed on assessing progress in the implementation of the NEPM and identifying any changes that might be required at this time. A full review of the NEPM is scheduled to commence in 2011.

The Air Toxics NEPM was established to provide a nationally consistent approach to the monitoring of air toxics in Australia and to facilitate the collection of data to inform the setting of air quality standards should they be required. Although good progress has been made in the implementation of the NEPM and the information base concerning these pollutants has increased, a minor variation to the NEPM is recommended to assist jurisdictions with further monitoring. Data collected to date show that for most pollutants the levels in ambient air are low.

CHEMICALS

National Chemicals Environmental Management (NChEM)

Environment ministers today acknowledged the important progress made with actions to manage chemicals in the environment and endorsed a two-year work program to deliver further regulatory improvements for protection of the environment from the harmful effects of chemicals in accordance with priority areas identified by First Ministers.

POLICY TOOLS

National Pollutant Inventory

Council resolved to increase funding for the National Pollutant Inventory (NPI) at today's meeting. The additional funding will ensure that the NPI, which is in its twelfth year of reporting, will continue to provide the community with access to Australia's only national source of information on pollution.

The NPI provides information to the public on emissions to air, land and water as well as the transfer of potentially hazardous substances. The information, which is available through the internet (www.npi.gov.au) provides an important national and regional service to many different groups within the community.

The latest results were published on 31 March 2010.

Partnering with Peak Industry Associations

Council noted a presentation by the Chief Executive of the Plastics and Chemicals Industries Association about the value of partnership approaches between government and peak industry associations that drive environmental outcomes and support smarter regulation.

ABOUT THE EPHC

The Environment Protection and Heritage Council comprises ministers from all Australian states and territories, as well as the Australian, New Zealand and Papua New Guinea governments. It aims to ensure that governments work together with communities to achieve and enhance a healthy natural and cultural environment in harmony with social and economic goals.

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