

# RECENT DEVELOPMENTS

---

## COMMONWEALTH

### KYOTO PROTOCOL ON GREENHOUSE EMISSIONS\*

#### Australia's Response to US Rejection

Less than a month after President Bush announced the United States' rejection of the Kyoto Protocol, Australia's Environment Minister, Robert Hill said that Australia would not ratify the Protocol if the United States did not.

Dr David Kemp, the present Federal Environment Minister, has emphasised that nevertheless Australia remains committed to working to meet its Kyoto targets, regardless of its US partnership. The Federal Government has committed \$1 billion to reaching this objective. He has added (7 March 2002) that the US partnership does not rule out Kyoto signature by Australia.

The Australian/US Climate Action Partnership that has been established includes informal working groups of officials, under senior-level leadership, from the US Departments of Commerce, Energy and State and the US Environmental Protection Agency, and their Australian counterpart agencies, as well as research bodies and industry. They are to focus on such issues as emissions measurement and accounting, climate change science, stationary energy technologies, engagement with business to create economically efficient climate change solutions, agriculture and land management and collaboration with developing countries to build capacity to deal with climate change.

#### EU Developments

On the other hand, the 15 European Union Environment Ministers agreed to quickly ratify the Kyoto Protocol. While they failed to agree on their own national limits on pollution emission levels, all of the Ministers declared their countries' intention to do so. They hoped their action would prod other nations to ratify the accord before a UN sponsored summit on sustainable development in August in South Africa.

Under the Kyoto accord, the EU has pledged to reduce emissions by 8 percent of 1990 levels by 2012 through legislation to promote cleaner energy and to shift traffic to less polluting transportation such as rail or water. The majority of the phased-in emission cuts will have to come from large industrial and energy plants.

---

\* Pat Brazil, Special Counsel, Phillips Fox, Canberra.

In a statement, the EU Ministers agreed to set new national emission cuts "at the latest" by 31 December 2006, when the cuts agreed at Kyoto are due to begin their application. Denmark has said it was being asked to carry too much of the burden.

The EU Ministers also held a public debate on proposed rules on making sure that polluters are held liable for any environmental damage, which includes damage to water, soil, and animal habitats. Industry fears have been expressed that such rules could cost them billions of euros in liability insurance, forcing them to move out of the EU.

In early March, the British Environment Secretary urged the world to unite in the battle against climate change and laid the Kyoto Protocol before Parliament to officially push ahead with the UK's ratification process. Ratification will mean that the UK is legally bound by its Kyoto target to reduce greenhouse gas emissions by 12.5 per cent below 1990 levels in 2008-2012. The UK's climate change program sets out how this target will be met. It is estimated that the policies in the program could reduce the UK's emissions by 23 per cent by 2010.

### **Other Countries**

Japan, Canada, New Zealand and Russia have also voiced concerns similar to those of the United States about a number of treaty provisions.

### **Legal Force**

To take legal force, the accord must be ratified by 55 countries, including industrialised countries who represent at least 55 percent of carbon dioxide emissions.

## **NEW SOUTH WALES**

### **COMPENSATION FOR LOSS OF RATES ON COAL\***

#### ***In the matter of an appeal by Muswellbrook Shire Council against a determination of the NSW Coal Compensation Board***

(NSW Coal Compensation Review Tribunal CCRT 2001/10 (13 August 2001))

This appeal related to pecuniary loss of rates in the Mount Arthur Coal Area under clauses 9(2) and 12 of the Coal Acquisition (Compensation) Arrangement 1985.

---

\* Skye Watson, Summer Clerk, Allens Arthur Robinson.