



FleetWise Knowledge Pool

Environmental Legislation and Policy



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Contents

1. Climate change legislation and policy	3
Australia's response to climate change	3
The Carbon Pollution Reduction Scheme (CPRS)	4
A Carbon Price Mechanism	4
How a Carbon Price Mechanism may affect fleet managers	5
2. Carbon accounting and energy efficiency legislation	5
<i>Energy Efficiency Opportunities Act 2006</i>	5
Why the EEO ACT may be important for fleet managers	5
<i>National Greenhouse and Energy Reporting Act 2007</i>	6
Why the NGER Act may be important for fleet managers	6
3. Air pollution legislation and policy	7
The effects of air pollution	6
Controlling vehicle emissions via Australian Design Rules	8
International developments in vehicle standards	9
How vehicle standards may affect fleet managers	9
4. Fuel standards and policies in Australia	9
Legislation covering fuel standards in general	9
Legislation covering biofuels	9
Fuel excise impacts on biofuels and other alternative fuels	10
How fuel standards may affect fleet managers	10
5. Further information	11

This document provides an overview and analysis of key environmental legislation and policies relevant for fleet managers. It covers Australian Government measures to reduce greenhouse gas (GHG) emissions and reduce local air pollution from vehicles.



1. Climate change legislation and policy

Australia's response to climate change

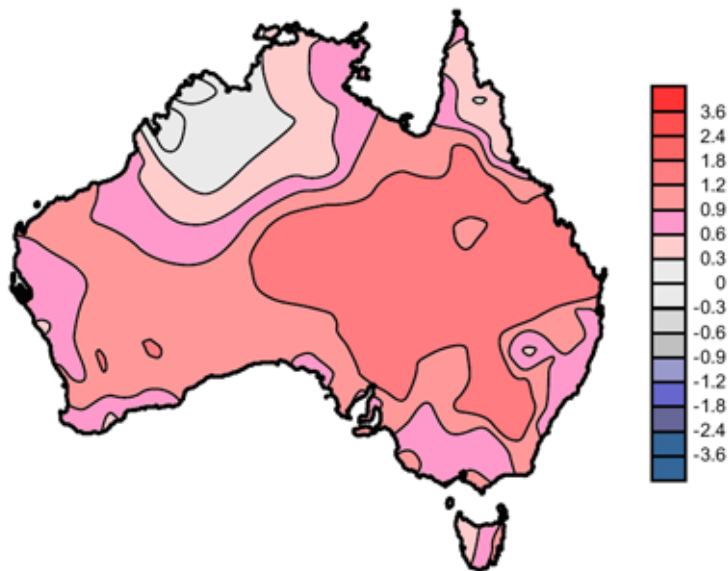
Climate change has become a critical issue on an international, national and local scale. The United Nations sponsored Intergovernmental Panel on Climate Change (IPCC) reports that the average temperature in Australia has increased 0.9°C since 1910, with some areas experiencing more pronounced temperature increases. The Australian Climate Commission has also noted that average air temperature at the Earth's surface has continued on an upward trajectory at a rate of 0.17°C per decade as seen over the past three decades (Australian Climate Change Commission 2011). Figure 1 shows trends in average temperature in Australia between 1950 and 2007.

Average temperatures across Australia are predicted to rise by as much as 5°C by 2070 (Australian Government 2008). Such a temperature increase could worsen water shortages in urban areas, increase the frequency and severity of droughts, and place severe strain on the Great Barrier Reef (Garnaut 2008).

Figure 1

Trends in mean temperature 1950–2007 (°C per decade)

Source: Australian Bureau of Meteorology, 2008



Currently Australia has one of the highest per capita rates of greenhouse gas (GHG) emissions in the world. The Australian Government ratified the Kyoto Protocol in 2007, imposing binding obligations on reducing emissions. In addition to the Kyoto Protocol commitments, which must be met by the end of 2012, the Australian Government has committed to reducing emissions::

- to between 5% and 25% of 2000 levels by 2020, and
- by 80% by 2050 (Australian Government 2008).

The Australian Government intends to meet its GHG emission targets by adopting a market based approach to carbon pricing. This market based mechanism entails a fixed price scheme (i.e. carbon tax) followed by an emissions trading scheme. A carbon tax or an ETS are both mixed government – market solutions.

With taxes the government sets the carbon price and the market sets the quantity of emissions, whilst with trading the government sets the quantities of emissions (ie: the cap) and the market sets the prices.

Recent business as usual emissions projection emphasise that a strong carbon price signal is needed to meet interim targets. These projections indicate that Australia will produce 690 million tonnes of GHG emissions (measured as carbon dioxide equivalent) by 2020, which equates to a 24% increase compared to 2000 emissions. The government has pledged to cut emissions by 5% of year 2000 levels by 2020, but given the economy's growth, mainly driven by carbon intensive mining industries and reliance on coal fired power generation, a 5% cut means reducing emissions by 160 million tonnes CO₂-e by 2020.

More information about the proposed Carbon Price Mechanism can be found at: www.climatechange.gov.au/en/government/initiatives/multi-party-committee/carbon-price-framework.aspx

The Carbon Pollution Reduction Scheme (CPRS)

The Australian Government developed a Carbon Pollution Reduction Scheme (CPRS) in the form of a cap-and-trade emissions trading scheme to be implemented from 2011. The CPRS was to have a one year fixed price period (ie: \$10 per tonne CO₂-e) followed by a floating price period. The scheme was ultimately rejected in the Australian Parliament twice, in August and December 2009. After being introduced into Parliament with amendments in February 2010 the then Prime Minister Hon Kevin Rudd MP announced that implementation of the CPRS would be deferred.

A Carbon Price Mechanism

In September 2010 the Australian Government announced the establishment of the Multi-Party Climate Change Committee (MPCCC) to consult negotiate and report to Cabinet through the Minister for Climate Change and Energy Efficiency, on the most viable options for pricing carbon in the Australian economy.

The most significant development to arise from the MPCCC is the announcement by the Prime Minister in July 2011 that Australia will have a fixed price on carbon from 1 July 2012, with an emissions trading scheme to follow from 1 July 2015. The Prime Minister's announcement set an initial carbon price of \$23 per tonne carbon dioxide equivalent in 2012 rising by 2.5% each year. Under the announced emissions trading scheme, from 1 July 2015, carbon will have a price floor of \$15 per tonne CO₂-e (rising by 4% pa) and ceiling of \$20 plus the international carbon price (rising by 5% pa).

In terms of coverage, the proposed Mechanism will cover all six greenhouse gases counted under the Kyoto Protocol and cover 60% of Australia emissions sources, encompassing:

- Stationary energy sector
- Transport sector (excluding petrol)
- Industrial processes sector
- Fugitive emissions (other than from decommissioned coal mines)
- Emissions from non-legacy waste.

Figure 2 shows Australia's national emissions profile in 2006.

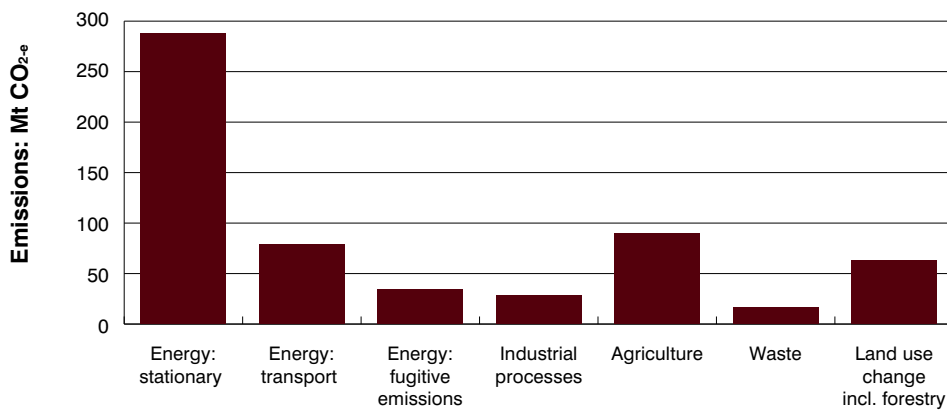


Figure 2
Australia's national emissions profile, 2006
Source: Australian Government 2008

In the transport sector, the government announced a reduction in fuel excise credits equal to the carbon price. This will include domestic aviation, marine and rail. Fuel tax credit reductions will affect off-road commercial vehicles from 2012, and on-road commercial vehicles over 4.5 tonnes will be included from July 2014. The reduction in fuel tax credits will depend on the carbon intensity of the fuel (biofuels will be exempt for example), and agriculture, forestry, fishing, tradesman will be exempt from carbon tax. There are also exemptions for gaseous fuels for on-road transport such as LPG, LNG and CNG as the eligibility of these fuels for a fuel tax credit is reduced to zero through the 'Road User Charge'.

The Australian Government envisions that the imposition of a carbon price will begin to drive economic transformation and investment in low emission technologies, and ensure greenhouse gas emission reductions. The July 2011 announcement included plans for compensating emission intensive and trade exposed industries (EITs), special treatment of strongly affected industries such as the power generation sector and coal mining, emissions offsets, \$10 billion in clean energy financing, and establishment of governance bodies.

See www.cleanenergyfuture.gov.au/ and www.treasury.gov.au/carbonpricemodelling/content/default.asp for more information.

How a carbon price may affect fleet managers

Potential implications of a Carbon Price Mechanism for fleet managers include:

- Higher fuel prices from 2012, through reduction in fuel tax credits (excluding petrol).
- Residual values for vehicles with low average fuel consumption may rise in relative terms.
- In the short term, there may be a shortfall in the supply of 'green vehicles' if their popularity grows
- Competitive disadvantage for carbon intensive fleet operators as their customers seek to manage the risk of any additional fuel costs being passed through to them by imposing carbon clauses in their contacts.

2. Carbon accounting and energy efficiency legislation

While a Carbon Price Mechanism is under development, complementary carbon accounting and energy efficiency legislation has already been implemented. This legislation was designed to underpin future carbon pricing policies by establishing accurate inventories of energy usage and GHG emissions. Under the *National Greenhouse and Energy Reporting Act 2007* (the NGER Act), companies exceeding a threshold level of GHG emissions, energy use or energy production have been required since 2009 (2008-2009 reporting period) to provide annual reports to the government. Under the *Energy Efficiency Opportunities Act 2006* (the EEO Act) larger energy users have been obliged since 2008 to assess and report on how they might reduce their energy use and thus GHG emissions.

Energy Efficiency Opportunities Act 2006

The general aim of the EEO Act is to improve the energy efficiency of business operations, and help businesses prepare for emissions trading by reducing their energy consumption.

The EEO Act has three main objectives:

- helping businesses to identify and implement cost-effective energy efficiency opportunities
- improving business productivity and reducing GHG emissions, and
- providing greater scrutiny of energy use by large energy consumers.

Why the EEO Act may be important for fleet managers

Under the EEO Act businesses that consume more than 0.5 petajoules (PJ) of energy per year are required to:

- register with the Australian Government Department of Resources, Energy and Tourism
- submit an assessment and reporting schedule
- conduct energy use assessments, and
- report on energy use and potential opportunities to save energy in their business.

To put this figure into context, businesses likely to trigger these requirements will be large companies with several thousand employees, or manufacturers using energy intensive processes.

A fleet would need to use approximately 13 million litres of diesel per annum before triggering the threshold for reporting under the EEO Act.

Table 1

NGER Act thresholds.

Based on the National Greenhouse and Energy Reporting Act and Regulation

Compliance measure	2008–2009		2009–2010		2010–2011	
	Corporation	Facility	Corporation	Facility	Corporation	Facility
GHG (t CO ₂ -e)	125	25	87	25	50	25
Energy (TJ)	500	100	350	100	200	100
Diesel (ML)	13	2.6	9.1	2.6	5.2	2.6

Once a corporation exceeds the minimum energy threshold under the EEO Act it is required to assess 80% of its total energy use in the first five year cycle and 90% in subsequent cycles of participation. Where fleet energy use makes up less than 20% of the corporation's energy use it may choose not to conduct assessments on its fleet initially. However, under such a situation fleet energy use must still be quantified and reported in the corporation's overall energy use figures.

Failure to comply with obligations under the EEO Act may result in penalties for the corporation and Executive Officers.

More information is available from the Australian Government Department of Resources, Energy and Tourism website at www.ret.gov.au/energy/efficiency/eoo/Pages/default.aspx.

National Greenhouse and Energy Reporting Act 2007

The aim of the NGER Act is to provide a national framework for reporting and disseminating information on corporate energy use and GHG emissions in order to:

- provide robust data to underpin the environmental and financial integrity of government policy and legislation
- reduce the number of GHG and energy reports required across various government programs, and
- provide detailed information to the public about the GHG and energy performance of Australian businesses.

More information including industry guidelines is available at www.climatechange.gov.au.

The NGER Act was amended in 2009 such that a corporation which has previously triggered reporting thresholds but does not meet the threshold in particular reporting year must still report to the Greenhouse and Energy Data Officer (GEDO) for that period, but through a modified process.

Why the NGER Act may be important for fleet managers

The national greenhouse and energy reporting scheme (NGER) is now in its third year of operation. Corporations which emit above a threshold value of GHG emissions, or consume or produce energy above a threshold value must report emissions and energy data under NGER. Corporation thresholds for reporting have been stepped down progressively since the first reporting period to capture more energy users. A company may also trigger NGER reporting requirements if one of their facilities emit above a threshold value of GHG emissions, or consume or produce energy above a threshold value. For transport and logistics operations, a fleet operated in one Australian state is defined as a discrete facility for the purposes of NGER reporting. The thresholds for reporting under NGER for corporations and facilities are given in Table 1.

NGER's regulatory officer, the Greenhouse and Energy Data Officer (or GEDO), intends to review NGER submissions to identify any outliers whereby companies from the same sector present very different levels of GHG emissions and / or energy data. The GEDO may also refer to sustainability reports and other publicly available material in reviewing the accuracy of the NGER reports.

Failure to comply with obligations under the NGER Act may result in penalties for the corporation and Executive Officers.

Transport companies and fleet operators that focus on improving the quality of their emissions data collection, analysis and reporting will avoid scrutiny and potential fines and litigation. These fleets will have a significant competitive advantage in the emerging low carbon economy in Australia. Once a company has a comprehensive picture of its carbon liability and the potential commercial impacts of carbon pricing on its cost structures, it is in a better position to strategically and cost-effectively address these risks. A complete GHG inventory provides fleet operators with a strategic platform which allows them to effectively identify and address the impacts of carbon pricing on their operations and subsequently assess the economic and environmental merits of various mitigation strategies.. It also allows for development of relevant carbon intensity metrics (eg: tonnes GHG CO₂-e per passenger trip) and setting of appropriate targets to manage carbon exposure as well as improving competitive positioning.

More information is available from the Australian Government Department of Climate Change and Energy Efficiency website at www.climatechange.gov.au/government/initiatives/national-greenhouse-energy-reporting.aspx. There is also an online calculator to help corporations work out whether they meet the NGER reporting threshold at www.oscar.gov.au/Deh.Oscar.Extension.Web/Content/NgerThresholdCalculator/. Table 1 shows current NGER reporting thresholds.

Pollutant	Potential health effects due to exposure
Oxides of nitrogen (NO _x)	Decreased lung function, lung inflammation, increased sensitivity of asthma patients to asthma triggers, increased susceptibility to respiratory infection
Carbon monoxide (CO)	Reduced capacity of blood to carry oxygen leading to decreased exercise capacity and aggravation of cardiovascular disease
Coarse particulates (PM ₁₀)	Increased rates of respiratory illness, decreased lung function, heart and lung disease, exacerbation of symptom in asthma patients
Fine particulates (PM _{2.5} and PM ₁)	High correlation with cardiopulmonary disease and lung cancer mortality
Ozone	Eye and air passage irritation, decreased lung function and inflammation, increased sensitivity in asthma patients and possible susceptibility to infection

Table 2

Examples of health impacts relating to air pollutants *Note: Ozone is produced in the atmosphere from NO_x, volatile organic compounds and hydrocarbons, all emitted by vehicles* Source: NSW Environment Protection Authority, 1997 and Bureau of Infrastructure, Transport and Regional Economics, 2005

3. Air pollution legislation and policy

The effects of air pollution

Vehicles are a significant contributor to non-greenhouse air pollution in major Australian cities. For example, vehicle emissions are the most significant contributor to precursors of photochemical smog (ozone) in urban areas. Ground-level ozone is a secondary pollutant formed in a chemical reaction when emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) combine with sunlight.

The path from vehicle tailpipe emissions to health impacts is quite complex. Emissions produce immediate polluting effects on the air around roads, and these primary pollutants move up into the atmosphere above and around roads, adding to pollutants from all other sources. In the atmosphere they form secondary pollutants such as photochemical smog, which is then dispersed by weather across urban areas.

The numbers of days each year on which levels of key pollutants exceed Australian air quality standards are monitored as a public health measure. Further information is available at www.ephc.gov.au/airquality/aaq_nepm.

One of the most significant impacts of air pollution is on human health. See Table 2 for more information. Air pollution can also have many other adverse impacts on urban areas, ranging from physical damage to buildings and vegetation, to loss of amenity with haze obscuring views.

Pollution impacts are generally worse where there are high population densities, since there are more people to both produce emissions and to be affected by the pollution. This contrasts with the problems of GHG emissions, which have a similar effect on the global environment no matter where or when they are emitted.

By encouraging the purchasing and more efficient use of low-emission vehicles, FleetWise helps to reduce the impacts of air pollution. The other main government measures to reduce air pollution are:

- vehicle emission standards, via the progressive tightening of Australian Design Rules, to make sure that mandatory emissions standards for new vehicles are continually improving, and
- fuel standards, via legislation to reduce pollutant emissions from fuel. While earlier standards addressed problems such as eliminating lead from petrol, new standards are focused on ensuring that air pollution does not increase as a result of the move to new types of fuel such as biofuels.

Controlling vehicle emissions via Australian Design Rules

To regulate emissions of air pollutants, Australian Design Rules (ADRs) set standards for non-greenhouse gas emissions for vehicles used in Australia. The current standards, which are the third edition of the ADRs, are administered by the Australian Government under the *Motor Vehicle Standards Act 1989*. This Act requires all new road vehicles, whether newly manufactured in Australia or imported as new or second-hand vehicles, to comply with the ADRs relevant at the time of supply to the Australian market.

In general, the vehicle ADRs aim to harmonise Australian emission standards with those developed by the UN Economic Commission for Europe (referred to as 'Euro' standards). Australia is committed to harmonising these standards wherever possible.

Adopting Euro standards in Australia

- Before 1 January 2006, all new light vehicles (less than 3.5 gross vehicle mass) in Australia had to meet the Euro 2 emission standards under ADR 79/00.
- Under ADR 79/01, from 1 January 2006 Euro 3 became the minimum standard for new petrol vehicles, and from 1 January 2007, all light diesel vehicles were required to meet the Euro 4 standard.

- All new petrol vehicles in Australia were required to meet Euro 4 standards as of July 2010.
- The Australian Government has not yet set an official date for the adoption of Euro 5 standards for petrol passenger vehicles in Australia. Recommendations were made by the Government for the introduction of Euro 5 in 2012 and Euro 6 in 2016 but the Government has subsequently delayed this timetable.
 - Euro 5 standards involve significantly lower vehicle emission levels for particles and NOx than Euro 4 standards.
 - The main focus of the new Euro 5 standards is on reducing NOx from all vehicles and PM from light diesel vehicles. Under Euro 5 the NOx emission standard for petrol passenger vehicles drops very significantly, from 0.08 to 0.006 grams per kilometre.
 - Euro 5 standards for new petrol vehicles came into effect in Europe on 1 September 2009 (for new model cars) and on 1 September 2011 for all new cars.
- In California legislation has been implemented to toughen new car standards to reduce emissions by 30% in the next 10 years, reduce ozone-forming pollution by five tonnes per day by 2020, and drastically increase fuel efficiency.
- The European Commission has concluded agreements with Japanese and Korean associations of car manufacturing industries to reduce average fuel consumption of cars sold by these manufacturers.
- The EU has developed a target to reduce average CO2 emissions from new passenger cars to 120 grams per kilometre to be implemented in 2012 with a long-term target of 95g CO2 per kilometre for 2020.
- In Canada, the *Clean Air Act 2006* resulted in the Canadian Government issuing regulations limiting GHG emissions from cars and trucks when the previous voluntary memorandum of understanding with the automotive sector expired in 2010.

International developments in vehicle standards

A number of international developments may set precedents for further legislative and regulatory changes in Australia. These developments may create momentum for a future tightening of Australia's vehicle emissions standards. For example:

How vehicle standards may affect fleet managers

Emissions of pollutants are on average 50% less from a Euro 4 standard vehicle than from a comparable Euro 3 vehicle, with another 50% reduction between comparative Euro 6 and Euro 5 standard vehicles. Models meeting more stringent air pollution standards are likely to be particularly attractive to fleet managers whose vehicles spend most of their driving time in inner city areas.



4. Fuel standards and policies in Australia

Legislation covering fuel standards in general

The quality of fuel in Australia is regulated by the *Fuel Quality Standards Act 2000* (the Fuel Act), which places an obligation on the fuel industry to supply fuels that meet strict standards. These requirements are in place to reduce the adverse effects of vehicle emissions on air quality and human health, and to enable Australia to effectively adopt new vehicle engine and emission control technologies. The Australian Government is responsible for developing and enforcing Australian fuel quality standards.

Fuel quality standards have been set for petrol, diesel, biodiesel and autogas. Ethanol has a fuel quality information standard. A standard for fuel-grade ethanol is being considered. Monitoring is undertaken to ensure compliance with the standards, and penalties apply if standards are not met.

In 2009 national legislation required the sulfur content of diesel to be reduced from 50 parts per million (PPM) to 10 ppm – Ultra Low Sulfur Diesel with a sulfur reduction of 80%.

In 2006 a reduction in benzene content of petrol to a maximum 1% was legislated nationally.

In NSW, Queensland, Victoria, WA and SA lower summertime petrol volatility limits are specified by state legislation.

At the same time, in response to climate change, a number of innovative methods for reducing fuel emissions have been developed internationally. For example, California is seeking to introduce a Low Carbon Standard for Transportation Fuels which will require that the carbon intensity of transportation fuels sold in California be reduced by at least 10% by 2020.

Legislation covering biofuels

Biofuels are those fuels derived from plant or animal matter rather than petroleum sources. The most widely used biofuels are ethanol and biodiesel.

Internationally, ethanol and biodiesel are used as transport fuels in their own right (known as E100 and B100 respectively) or in blends with other petroleum fuels. Current legislation allows fuel suppliers to sell ethanol-blended fuel that contains up to 10% ethanol (E10) in Australia. Different Australian states have set biofuels targets, some of which are mandatory. In NSW, the *Biofuel (Ethanol Content) Act 2007*, has required petrol wholesalers to sell a minimum of 2% ethanol as a proportion of total petrol sales since October 2008. In January 2010 this increased to 4% and will increase again to 10% in January 2012. At the same time a 2% biodiesel target has been mandated in NSW from January 2010, which is set to increase to 5% by January 2012. Although delayed until 2012, the Queensland government has proposed a mandatory 5% ethanol target. Victoria and WA both set combined biofuels targets of 5% by 2010.

Fuel excise impacts on biofuels and other alternative fuels

Under the *Fuel Tax Act 2006* fuel ethanol and biodiesel were made effectively excise free. Although fuel excise of 38.143 c/L was applied to both, domestically produced ethanol and all biodiesel (both domestically produced and imported) received equivalent production grants offsetting the excise. From July 2011 an effective fuel excise was set to be applied to these fuels and incrementally increased, but changes to fuel excise as outlined in the proposed Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011 maintain the grant system so that excise on biofuels is offset until after June 2021.

Both ethanol and biodiesel have a lower energy content per litre than petrol and diesel (respectively), which is an additional factor to take into account when comparing fuel costs.

However, a few points should be noted:

- It is still possible to purchase petrol containing no ethanol with ethanol blended petrol labelled at the pump and locations of service stations offering ethanol blends given on fuel companies' websites. Biodiesel blends are similarly labelled, but are less available across Australia.
- Although E10 is suitable for use in most petrol-fuelled cars and trucks produced in Australia since 1986, it is important that fleet managers consult the vehicle's manual or check the manufacturer's recommendation before using ethanol.

Alternative fuels such as LPG, LNG and CNG have enjoyed a similar excise offset system to biofuels in the past, however an incremental application of excise is proposed for these under the Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011. Under this amendment, LPG price for example could increase by 2.5 c per litre per year.

How fuel standards may affect fleet managers

In general Australian fuel standards currently have a limited impact on fleet managers. However, in the future, more rapid changes in vehicle standards, fuel standards and available fuels might be expected. Internationally both GHG emission standards and air pollutant standards are improving faster than Australian standards. Changed standards and changed technologies are likely to flow through to vehicles being imported into Australia.

The impacts of excise on future fuel prices should be considered in fleet purchasing decisions, both in terms of operating cost and resale value of vehicles.

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