



AUSTRALIAN CAPITAL TERRITORY

## **Commissioner for the Environment (Amendment) Act 1997**

No. 29 of 1997

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### **An Act to amend the *Commissioner for the Environment Act 1993***

*[Notified in ACT Gazette S185: 16 July 1997]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Commissioner for the Environment (Amendment) Act 1997*.

#### **Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Commissioner for the Environment Act 1993*.<sup>1</sup>

### **Interpretation**

4. Section 3 of the Principal Act is amended by inserting in subsection (1) the following definition:

“ ‘pre-election year’ means the calendar year preceding a calendar year in which a general election of members of the Legislative Assembly would be required in accordance with subsection 100 (1) of the *Electoral Act 1992*; ”.

### **Investigations**

5. Section 15 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:

“(3) Subject to this Part, an investigation shall be conducted in private and in such manner as the Commissioner thinks fit.

“(3A) Where the Minister directs the Commissioner to investigate a matter and specifies in the direction that it would be in the public interest to conduct a public process for the purposes of the investigation, the Commissioner shall arrange for—

- (a) such public consultation or public hearings; and
- (b) the taking of such other measures;

as the Commissioner considers necessary for the proper conduct of the investigation.”.

### **Substitution**

6. Section 19 of the Principal Act is repealed and the following section substituted:

#### **State of the Environment Report**

“19. (1) By 31 March in each pre-election year, the Commissioner shall prepare and submit to the Minister a State of the Environment Report for the triennium ending on the preceding 30 June.

“(2) A State of the Environment Report shall include—

- (a) an assessment of the condition of the environment, including an assessment of such of the following matters as the Commissioner considers necessary:
  - (i) the components of the earth, including soil, the atmosphere and water;
  - (ii) any organic or inorganic matter and any living organism;
  - (iii) human made or modified structures and areas;

- (iv) ecosystems and their constituent parts, including people and communities;
  - (v) the qualities and characteristics of places and areas that contribute to their biological diversity and ecological integrity, scientific value and amenity;
  - (vi) the interactions and interdependencies within and between the things mentioned in subparagraphs (i) to (v) (inclusive);
  - (vii) the social, aesthetic, cultural and economic conditions that affect, or are affected by, the things mentioned in subparagraphs (i) to (v) (inclusive);
- (b) an evaluation of the adequacy and effectiveness of environmental management, including an assessment about the degree of compliance with national environment protection measures made by the National Environment Protection Council; and
- (c) such other matters, whether or not occurring within the triennium to which the report relates, as—
- (i) the Minister specifies by notice in writing given to the Commissioner; or
  - (ii) the Commissioner considers relevant.

“(3) By 30 September in each pre-election year, the Minister shall present to the Legislative Assembly—

- (a) a statement setting out the Government’s response to the State of the Environment Report presented to the Legislative Assembly in that year; or
- (b) a statement setting out the reasons why the Government’s response has not been made available in accordance with paragraph (a).”.

**Insertion**

7. After section 19 of the Principal Act the following section is inserted:

**Information to be included in Commissioner’s annual report**

“20. A report presented, or information provided, by the Commissioner under section 8 of the *Annual Reports (Government Agencies) Act 1995* in respect of a period shall include particulars of—

- (a) any special factor which the Commissioner believes had a significant impact on the environment during the period;
- (b) measures taken during the period by or on behalf of the Territory in relation to the implementation of any recommendation in a State of the Environment Report under section 19 or a special report under section 21; and
- (c) any recommendation in such a report which the Commissioner believes is still to be implemented or fully implemented.”.

**Special reports**

8. Section 21 of the Principal Act is amended—

- (a) by omitting from paragraph (a) “inquiry” and substituting “investigation”; and
- (b) by omitting from paragraph (c) “inquiry or”.

**Referral to Ombudsman**

9. Section 25 of the Principal Act is amended by omitting “inquiry” and substituting “investigation”.

**State of the Environment report and statement—1997**

10. (1) The first State of the Environment Report under subsection 19 (1) of the Principal Act, as amended by this Act, shall be submitted to the Minister by a date specified by the Minister by notice in writing given to the Commissioner.

(2) The first statement under paragraph 19 (3) (a) or (b) of the Principal Act, as amended by this Act, shall be presented to the Legislative Assembly not later than 6 months after the receipt of the first State of the Environment Report by the Minister.

*Commissioner for the Environment (Amendment) No. 29, 1997*

**NOTE**

**Principal Act**

1. Reprinted as at 31 January 1995. See also Act No. 25, 1995; No. 17, 1996.

*[Presentation speech made in Assembly on 15 May 1997]*

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