

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ENVIRONMENT PROTECTION
AMENDMENT BILL 2001**

EXPLANATORY MEMORANDUM

Circulated with the authority of
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Minister for Urban Services

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BACKGROUND AND OUTLINE

This Bill amends the Environment Protection Act 1997. The amendments have been made to implement the recommendations of the recent statutory review of the Act.

ENVIRONMENT PROTECTION AMENDMENT BILL 2001.

Part 1

Clause 1 Name of the Act this is a formal requirement and deals with the short title of the Bill.

Clause 2 Commencement this is a formal requirement and deals with the commencement provisions.

Clause 3 Act amended This Act amends the Environment Protection Act 1997.

Clause 4 Objects Section 3(1)(a) this amends the objects of the Act to omit the word Territory. This makes explicit responsibilities for cross border impacts.

Clause 5 Interpretation Section 4(1) definition of Authority this sets out the meaning of important terms used throughout the Bill. The amendments are in relation to the substitution of the word management for protection. The name Environment Management Authority changes to Environment Protection Authority. A name change indicates more clearly the work of the Authority.

Clause 6 Appointment Section 11(1) this omits the word management and adds the word protection.

Clause 7 Section 11(2) This omits the word management and adds the word protection.

Clause 8 Notification of environmental protection agreements new Section 41(5) and (6) this new section 41(5), allows the Minister to declare that this section does not apply to an environmental protection agreement, if the Minister is satisfied that the implementation of the agreement will not cause environmental harm, or if it is likely to cause environmental harm, it will not be material environmental harm. A declaration under subsection (5) would be a disallowable instrument.

Clause 9 Notification of a new grant new Section 50(7) and (8) this allows the Minister to declare that subsections (3) to (6) do not apply to an authorisation, if satisfied, that the activity authorised, if carried out in accordance with any conditions stated in the authorisation, is not likely to cause environmental harm; or if it is likely to cause environmental harm, it will not be material environmental harm. A declaration under subsection (7) is a disallowable instrument.

Clause 10 Contents of environmental improvement plan section 68(1) this requires the environmental improvement plan to have regard to best practice.

Clause 11 Annual Returns –auditors Section 76B this changes the timeline for submitting annual reports on contaminated sites and remediation, from 20 days to 60 days. This brings the timing requirements for the ACT in line with NSW legislation.

Clause 12 Interpretation Section 91A heading this substitutes Definition for div 5.

Clause 13 New Section 91A(2) (b) (iv) this adds new words to make the legislation in line with NSW legislation with regard to remediation plans.

Clause 14 Section 92 is repealed.

Clause 15 Inspection of premises routine inspections new Section 99(e). this allows the inspectors to take photographs films or videos or other recordings on a routine inspection.

Clause 16 Section 101 Routine inspections -serious and urgent circumstances. This replaces the previous wording and gives the authorised officer powers to exercise powers listed in section 100(2) if satisfied that on reasonable grounds it is necessary to do so, because of urgent and serious circumstances. This power may be exercised even though the officer entered the premises without the warrant and it is in addition to any other power of the officer.

Clause 17 Section 136 this section is repealed.

Clause 18 Section 167. this section provides for a review of the Act five years after implementation, that is a review must commence as soon as possible after 1 June 2003 and the report be tabled in the Legislative Assembly by 1 June 2004.

Clause 19 Activities requiring an environmental authorisation Schedule 1 Clause 1 new definition of clinical waste. this gives a new definition of clinical waste.

Clause 20 Schedule 1 new clause 2 (ca) this adds a new activity requiring an environmental authorisation - the commercial sterilisation of clinical waste.

Clause 21 Schedule 1 clauses 2 and 3. this will renumber items under the Legislation Act 2001.