

TASMANIA

**NATIONAL ENVIRONMENT PROTECTION
COUNCIL (TASMANIA) AMENDMENT BILL
2003**

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NATIONAL ENVIRONMENT PROTECTION COUNCIL (TASMANIA) AMENDMENT BILL 2003

*(Brought in by the Minister for Primary Industries, Water
and Environment, the Honourable Bryan Alexander Green)*

A BILL FOR

**An Act to amend the *National Environment
Protection Council (Tasmania) Act 1995***

Be it enacted by His Excellency the Governor of Tasmania,
by and with the advice and consent of the Legislative
Council and House of Assembly, in Parliament assembled,
as follows:

Short title

1. This Act may be cited as the *National Environment
Protection Council (Tasmania) Amendment Act 2003*.

Commencement

2. This Act commences on a day to be proclaimed.

Principal Act

3. In this Act, the *National Environment Protection
Council (Tasmania) Act 1995** is referred to as the
Principal Act.

*No. 54 of 1995

Section 6 amended (Interpretation)

4. Section 6(1) of the Principal Act is amended by inserting after the definition of “member” the following definitions:

“**Ministerial Council**” means a council, comprising one or more Ministers of the Commonwealth and Ministers of one or more States or Territories, that includes environmental protection in its functions;

“**minor variation**”, in relation to a national environment protection measure, means a decision under section 22A(1) to vary a national environment protection measure;

Section 13 amended (Powers of the Council)

5. Section 13 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (g) “Association.” and substituting “Association; and”;
- (b) by inserting the following paragraph after paragraph (g):
 - (h) direct the Service Corporation to provide assistance and support to other Ministerial Councils.

Section 20 amended (Variation or revocation of measures)

6. Section 20 of the Principal Act is amended by inserting after subsection (4) the following subsection:

(5) Subsections (2), (3) and (4) do not apply to a minor variation of a national environment protection measure under Division 2A.

Part 3, Division 2A inserted

7. After section 22 of the Principal Act, the following Division is inserted in Part 3:

***Division 2A – Minor variation of national
environment protection measures***

Minor variation of measures

22A. (1) The Council may vary any national environment protection measure if –

- (a) the variation is supported by a unanimous resolution of all of the members; and
- (b) the resolution states that the variation does not involve a significant change in the effect of the national environment protection measure.

(2) If the Council decides under subsection (1) to vary a national environment protection measure, the Council must prepare –

- (a) a draft of the proposed variation; and
- (b) a statement relating to the variation that explains –
 - (i) the reasons for the proposed variation; and

- (ii) the nature and effect of the proposed variation; and
- (iii) the reasons why the Council is satisfied that the variation does not involve a significant change in the effect of the national environment protection measure.

(3) A variation under this section is a minor variation.

Public consultation for minor variation

22B. (1) Before making a minor variation to a national environment protection measure, the Council must publish a notice –

- (a) stating how the draft of the proposed variation and the explanatory statement may be obtained; and
- (b) inviting submissions to the Council on the proposed variation, or on the explanatory statement, within a specified period.

(2) A notice must –

- (a) be published in the *Gazette*; and
- (b) in each participating State or Territory concerned – also be published, on at least one day during the month when the *Gazette* notice is published, in a newspaper circulating in that State or Territory.

(3) The period specified in each notice under subsection (1) must end not less than one month after the day on which subsection (2)(b) has been fully complied with in all participating jurisdictions.

Council to have regard to submissions

22C. In making a minor variation to a national environment protection measure, the Council must have regard to –

- (a) any submissions it receives that relate to the proposed variation or the explanatory statement; and
- (b) whether the measure is consistent with section 3 of the Agreement; and
- (c) relevant international agreements to which Australia is a party; and
- (d) any regional environmental differences in Australia.

Section 36 amended (Functions of the Service Corporation)

8. Section 36 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (a):
 - (ab) to provide assistance and support to other Ministerial Councils as directed by the Council;
- (b) by inserting in paragraph (b) “or paragraph (ab)” after “paragraph (a)”.

Section 64 amended (Review of operation of Act)

9. Section 64 of the Principal Act is amended by inserting after subsection (2) the following subsections:

(3) As soon as possible after the end of every 5 year period following the review under subsection (1), the Council must cause a further review of the kind set out in that subsection to be undertaken.

(4) The report of each further review is to be tabled in each House of Parliament within 12 months after the end of the period to which it relates.