

**PROTECTION OF THE ENVIRONMENT ADMINISTRATION
BILL 1991 (No. 2)***

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- (a) to establish an Environment Protection Authority; and
- (b) to provide integrated administration for environment protection; and
- (c) to continue for the time being the existing regulatory framework for environment protection pending its review and rationalisation.

Establishment of Environment Protection Authority

1. The Bill establishes the Environment Protection Authority (“the Authority”). The Authority is to be a statutory body representing the Crown and subject to Ministerial control. The Authority will replace the State Pollution Control Commission and the Ministry for the Environment, which are to be abolished. The Authority will also assume the regulatory functions of the Waste Management Authority relating to waste.

Responsibilities of Authority

2. The Authority will have general responsibility for environment protection under the following environmental protection legislation:

- (a) the proposed Protection of the Environment Administration Act 1991 itself;
- (b) Clean Air Act 1961;
- (c) Clean Waters Act 1970;
- (d) the provisions of the Dangerous Goods Act 1975 relating to licences for the carriage of dangerous goods (transferred from the WorkCover Authority);
- (e) Environmental Education Trust Act 1990.
- (f) Environmental Offences and Penalties Act 1989;
- (g) Environmental Research Trust Act 1990,

* Amended in committee—see table at end of volume.

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- (h) Environmental Restoration and Rehabilitation Trust Act 1990;
- (i) Environmentally Hazardous Chemicals Act 1985;
- (j) Noise Control Act 1975;
- (k) Ozone Protection Act 1989;
- (l) the provisions of the State Pollution Control Commission Act 1970 relating to pollution control approvals etc. (to be renamed the Pollution Control Act 1970);
- (m) Radiation Control Act 1990 (transferred from the Department of Health);
- (n) Recreation Vehicles Act 1983;
- (o) Unhealthy Building Land Act 1990;
- (p) the provisions of the Waste Disposal Act 1970 relating to the regulation of the creation, transport and disposal of waste (transferred from the Waste Management Authority).

3. The Bill sets out the general co-ordination, planning, review and research powers and responsibilities of the Authority in relation to environment protection, including the development and monitoring of environment quality objectives and policies, biennial reports on the state of the environment, advising and reporting on environmental performance targets for public authorities and the review of the existing regulatory framework for environment protection for the purpose of rationalisation.

4. The Bill transfers to the Authority the power of the State Pollution Control Commission to give directions to public authorities, subject to any dispute being settled by the Premier.

Management of Authority

5. The Authority is to be managed by a Board comprising:

- (a) the Director-General of the Authority (who is to be the chief executive officer responsible for managing and controlling the affairs of the Authority in accordance with the policies of the Board and any relevant directions of the Minister); and
- (a) 6 part-time members.

6. In addition to its general functions of determining the policies and long term strategic plans of the Authority and of overseeing the management of the Authority, the Board is to develop public guidelines relating to the institution of proceedings for environment protection offences. The Board will be required to follow the advice of Environmental Counsel appointed by the Minister in respect of the institution of proceedings for serious environment protection offences. Except in respect of proceedings involving the Crown or public authorities, the Authority (rather than the Minister) will be responsible for instituting or approving of the institution of those proceedings.

Consultation Forum and Advisory Committees

7. The Bill establishes an Environment protection Community Consultation Forum (comprising the Director-General and 12 representatives from industry, environment protection groups and public and local authorities) to advise the Authority on community concerns and attitudes about environmental matters.

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8. The Bill establishes an Environmental Education Committee (comprising various educational and other representatives) to advise the Authority on the development of effective environmental education and public awareness programs. Other advisory committees may also be established under the Bill.

Renaming of Waste Management Authority

9. The Bill renames the Waste Management Authority following the transfer of its regulatory functions relating to waste to the Authority. The Waste Management Authority is to be renamed the Waste Recycling and Processing Service.

Consequential amendments of other Acts

10. The Bill makes consequential amendments to the environment protection legislation and other legislation to give effect to the proposed administrative arrangements.
