

# **ENVIRONMENTAL PROTECTION LEGISLATION AMENDMENT BILL 2001**

## **EXPLANATORY NOTES**

### **GENERAL OUTLINE**

#### **The Bill's Short Title**

*Environmental Protection Legislation Amendment Bill 2001*

#### **Reasons for the Bill**

Local governments administer section 369 of the *Environmental Protection Act 1994* to approve 'waste management works' carried out within their boundaries. Many waste management works are also environmentally relevant activities (ERAs) requiring an environmental authority (licence) from the Environmental Protection Agency (EPA). Both the approval and the environmental authority may have conditions and require payment of a fee. Industry raised concerns that this results in duplication of processes and application of dual regulation.

In an attempt to resolve the issue, some amendments to this section were undertaken in 1997 but upon further consideration they were not acceptable to local governments. As a consequence their commencement was deferred until 1 June 2001. A Working Group (Waste) has been formed to establish a policy position acceptable to all stakeholders. However, time beyond 1 June 2001 is required to complete this process. Local governments are against commencement of these uncommenced provisions on 1 June 2001 and want to maintain the status quo in the interim. Therefore, an amendment of the *Environmental and Other Legislation Amendment Act 1997* is required to defer commencement.

#### **Consistency with Fundamental Legislative Principles**

The Bill is consistent with fundamental legislative principles.

## **NOTES ON PROVISIONS**

*Clause 1* states the short title of the Bill.

*Clause 2* states that the Bill amends the *Environmental and Other Legislation Amendment Act 1997*.

*Clause 3* amends section 2(2) to change the commencement date of the uncommenced provisions of the *Environmental and Other Legislation Amendment Act 1997* from 1 June 2001 to 31 January 2002.

*Clause 4(1)* amends the heading of section 20 to replace '118B' with '369' to reflect the renumbering of the *Environmental Protection Act 1994*.

*Clause 4(2)* amends section 20 to replace '118B' with '369' to reflect the renumbering of the *Environmental Protection Act 1994*.