

**NATIONAL ENVIRONMENT PROTECTION COUNCIL (WESTERN AUSTRALIA)
AMENDMENT BILL 2009**

First Reading

Bill read a first time, on motion by **Dr G.G. Jacobs (Minister for Water)**.

Explanatory memorandum presented by the minister.

Second Reading

DR G.G. JACOBS (Eyre — Minister for Water) [6.26 pm]: I move —

That the bill be now read a second time.

The purpose of the National Environment Protection Council (Western Australia) Amendment Bill is to implement nationally agreed minor amendments to the National Environment Protection Council (Commonwealth) Act 1994. The bill is uniform legislation and its amendments will ensure that Western Australia's legislation complies with the 1992 intergovernmental agreement on the environment, which called for commonwealth legislative changes affecting the commonwealth act to be incorporated into corresponding legislation in all states and territories.

The National Environment Protection Council is responsible for making national environment protection measures with the objective of ensuring that all Australians enjoy the benefit of equal protection from air, water, soil and noise pollution wherever they live. The National Environment Protection Council also works to ensure that decisions by businesses are not distorted and markets not fragmented by inconsistencies in the adoption or implementation of environmental protection measures across jurisdictions.

For its part, Western Australia will continue to contribute significantly to national environment protection standards, primarily through its active involvement with the National Environment Protection Council's seven national environment protection measures which cover ambient air quality; air toxics; assessment of site contamination; movement of hazardous waste between jurisdictions; the National Pollutant Inventory; diesel vehicle emissions; and used packaging materials.

In 2001 the commonwealth, state and territory acts were reviewed as required by section 64 of the commonwealth act. In responding to the review, the National Environment Protection Council concluded that substantial progress had been made on issues of national environment protection and only minor amendments to the legislation were needed. These amendments are the establishment of a simplified procedure for implementing minor variations to the national environment protection measures, allowing the National Environment Protection Council Service Corporation to provide support and assistance to other ministerial councils, and the introduction of five-yearly reviews of the act.

At present, under the Western Australian act, every variation to a national environment protection measure, regardless of its significance, must go through a widespread and resource-demanding consultation and impact assessment process. A new streamlined process for minor administrative variations, such as correcting name changes to organisations, will enable changes to be made without a complete revision of the national environment protection measures.

The proposed amendments also mean that minor variations can occur only after agreement by the ministers on the National Environment Protection Council. This will enable Western Australia to consider the impact of minor variations before committing to them. Any proposed variations that would substantially alter a national environment protection measure—for example, by changing monitoring procedures—would still require the implementation of the full statutory public consultation process. The establishment of five-yearly reviews will provide an instrument for the National Environment Protection Council to continue to meet the requirements and expectations of the Australian community.

The third amendment in this bill is in response to a Council of Australian Governments review of ministerial councils, which has resulted in the National Environment Protection Council now meeting jointly with the Environment Protection and Heritage Council. This expanded council also deals with environment protection and heritage issues previously dealt with by the Australian and New Zealand Environment and Conservation Council and the heritage ministers' meeting.

The remaining amendments contained within the bill are administrative in nature and will have no significant impact on Western Australia. The amendments within this bill have been implemented in commonwealth legislation and mirrored by our state and territory counterparts. I commend the bill to the house.

Debate adjourned, on motion by **Mr A.P. O'Gorman**.