

**NATIONAL ENVIRONMENT PROTECTION COUNCIL (WESTERN AUSTRALIA)
AMENDMENT BILL 2007**

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Sally Talbot (Parliamentary Secretary)**, read a first time.

Second Reading

HON SALLY TALBOT (South West - Parliamentary Secretary) [9.57 pm]: I move -

That the bill be now read a second time.

Nationally consistent and effective environmental protection standards are important goals that must be strived for in Australia to address pollution and other environmental issues. Western Australia has contributed, and will continue to contribute, significantly to establishing national environmental protection standards, primarily through its active involvement with the National Environment Protection Council. The National Environment Protection Council is a ministerial body created through the commonwealth National Environment Protection Council Act 1994, and through complementary legislation in all states and territories. This council has the responsibility for making national environment protection measures with the objective of ensuring that the people of Australia enjoy the benefit of equivalent protection from air, water, soil and noise pollution, wherever they live. The council also works to ensure that decisions by businesses are not distorted and that markets are not fragmented by inconsistencies in the adoption or implementation of environmental protection measures across jurisdictions. A service corporation assists the council by providing secretariat, project management and administrative services. The council has made seven national environment protection measures covering ambient air quality, air toxics, assessment of site contamination, movement of hazardous waste between jurisdictions, a national pollutant inventory, diesel vehicle emissions, and used packaging.

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 (Western Australia) Act 1996. The bill is uniform legislation and its amendments will ensure that Western Australia's legislation complies with the 1992 Intergovernmental Agreement on the Environment, in which it was agreed that commonwealth legislative changes affecting the commonwealth National Environment Protection Council Act 1994 would be incorporated into the corresponding legislation in all states and territories.

In 2001 the commonwealth, state and territory acts were reviewed, as required by section 64 of the commonwealth act. The review analysed the operation of the legislation to determine the degree to which the objects of the act were being attained. In responding to the review, the council concluded that substantial progress had been made on issues of national environmental protection and that only minor amendments to the legislation, which were highlighted in the review, were needed. These amendments are the establishment of a simplified procedure for implementing minor variations to 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, resource-demanding consultation and impact assessment procedure. This is appropriate for significant variations, but a streamlined process for minor administrative variations, such as correcting spelling errors and name changes to organisations, will enable changes to be made without a complete revision of the national environment protection measure.

The proposed amendments mean that minor variations could only occur 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 full statutory public consultation process to be implemented. The establishment of five-yearly reviews will provide an instrument for the National Environment Protection Council's objectives to continue to meet the requirements and expectations of the Australian community.

The third amendment in this bill follows from a review of ministerial councils by the Council of Australian Governments. The result of this review is that the National Environment Protection Council now meets jointly with the Environment Protection and Heritage Council. The new council also deals with environment protection and heritage issues previously dealt with by the Australian and New Zealand Environment and Conservation Council - ANZECC - and the heritage ministers meeting. This amendment confers the legal capacity for the National Environment Protection Council Service Corporation to expand its secretariat and project management services to the Environment Protection and Heritage Council.

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

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.