

1993

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

THE SENATE

ENVIRONMENT PROTECTION (ALLIGATOR RIVERS REGION)
AMENDMENT BILL 1993

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for the Environment, Sport and Territories,
The Honourable Ros Kelly MP)



ENVIRONMENT PROTECTION (ALLIGATOR RIVERS REGION) AMENDMENT BILL 1993

OUTLINE

The purpose of this Bill is to amend the *Environment Protection (Alligator Rivers Region) Act 1978* to implement the Government's decision to:

- (i) subsume the Office of the Supervising Scientist and the Alligator Rivers Region Research Institute into the Department of the Environment, Sport and Territories as part of the Commonwealth Environment Protection Agency;
- (ii) maintain the statutory functions and duties of the Supervising Scientist for the Alligator Rivers Region but without the powers of a Departmental Secretary;
- (iii) allow the Supervising Scientist, at the Minister's request, to provide scientific advice to the Minister on matters outside the Alligator Rivers Region;
- (iv) replace the Co-ordinating Committee for the Alligator Rivers Region with two more specialised committees; and
- (v) empower the Alligator Rivers Region Research Institute to undertake contract research.

FINANCIAL IMPACT STATEMENT

Incorporation of the Office of the Supervising Scientist into the Commonwealth Environment Protection Agency will lead to direct and indirect savings of the order of \$650 000 from 1994-95 onwards.

Empowering the Alligator Rivers Region Research Institute to undertake contract research will give the opportunity for offsetting of the costs to the Commonwealth (which, based on similar organisations, could within five years, be up to thirty percent of the Commonwealth's contribution to the Institute's Research budget, or about \$800 000).

NOTES ON CLAUSES

Part I - PRELIMINARY

Clause 1 - Short title

1. This clause provides:

(1) for the Act to be cited as the *Environment Protection (Alligator Rivers Region) Amendment Act 1993*; and

(2) that in the Act a reference to the "Principal Act" means the *Environment Protection (Alligator Rivers Region) Act 1978*.

Clause 2 - Interpretation

2. This clause provides for deletion from the Principal Act of terms no longer needed due to repeal by this Act of provisions relating to the Co-ordinating Committee, and for insertion of terms relating to the Consultative and Technical Committees established by this Act.

Part II - THE SUPERVISING SCIENTIST

Clause 3 - Insertion of new section

3. This clause provides for insertion of a new section 5B:

(1) to give the Supervising Scientist the additional function of giving scientific and technical advice to the Minister on environmental matters outside the Alligator Rivers Region on the Minister's request; and

(2) limiting that function to matters covered by the legislative powers of the Commonwealth Parliament.

The additional function will allow the Supervising Scientist to make the expertise and knowledge in the organisation available to advise the Minister on broader environmental matters outside the Alligator Rivers Region and hence improve the quality and scope of specialist advice available to the Government.

Clause 4 - Substitution of new section

4. This clause repeals section 8 of the Principal Act which provides for the Supervising Scientist to be appointed by the Governor-General and associated conditions of appointment, and provides instead that the Supervising Scientist will be appointed under the *Public Service Act 1922*. These changes will allow integration of the Office of the Supervising Scientist into the Commonwealth Environment Protection Agency.

Clause 5 - Repeal of Sections

5. This clause repeals sections 9 to 14 of the Principal Act relating to further matters which are not relevant now that the Supervising Scientist is appointed under the *Public Service Act 1922*.

Part III - COMMITTEES

Clause 6 - Heading of Part III

6. This clause replaces the heading of Part III of the Principal Act, relating to the Co-ordinating Committee for the Alligator Rivers Region, with a heading "Committees" relating to provisions establishing and governing two new committees, the Consultative Committee and the Technical Committee.

The new committees are designed to improve the consultative arrangements both for the Government and for key stakeholders by providing for more focused consideration of policy and research-related matters.

Clause 7 - Insertion of Division heading

7. This clause inserts in the Act the heading for the new Division providing for the establishment and functions of the Consultative Committee.

Clause 8 - Repeal and substitution of sections 16 and 17

8. This clause repeals the provisions in the Principal Act relating to the establishment and functions of the Co-ordinating Committee for the Alligator Rivers Region and replaces them with provisions relating to the Consultative Committee.

The Consultative Committee is being established to provide a formal forum for information exchange and policy consultation among interest groups on matters relating to the effects on the environment of the Region of uranium mining operations in the Region and on matters referred to it by the Technical Committee.

Clause 9 - Membership of the Consultative Committee

9. This clause amends section 18 of the Principal Act to provide for the Minister to appoint the members and an independent Chairperson of the Consultative Committee. The Chairperson must not be the Supervising Scientist, the Director of National Parks and Wildlife, nor a member of their staff.

Clause 10 - Meetings of the Consultative Committee

10. This clause amends subsection 22 (1) of the Principal Act so that it applies to the Consultative Committee rather than the Co-ordinating Committee; subsections 22 (3),(5) and (6) of the Principal Act so that the roles of convening and presiding over meetings of the Consultative Committee are performed by the new independent Chairperson rather than by the Supervising Scientist; and subsection 22 (8) of the Principal Act so that a summary record of the meetings is kept.

Clause 11 - Insertion of Division

11. This clause provides for insertion of Division 2 of Part III sections 22A to 22F, relating to the Technical Committee. The Division provides for the establishment, functions, membership and meetings of the Technical Committee.

The functions of the Technical Committee are to consider and keep under review research and assessment of information programs relating to the effects of uranium mining in the Region on the environment of the Region. In particular, the Committee is to recommend to the Minister the nature and extent of research needed to maintain a satisfactory level of environment protection in the Region and the most appropriate organisation(s) to undertake that research. These recommendations are to be copied to the Consultative Committee within 15 days; the Consultative Committee may give comments to the Minister on those recommendations, but may not change them.

The Minister will appoint the members of the Technical Committee including the Chairperson, who must have scientific or technical qualifications, and must not be the Supervising Scientist, the Director of National Parks and Wildlife, nor a member of their staff.

The new Division also provides for resignation of office by members of the Technical Committee by writing to the Minister. It also provides for termination of appointment of a member of the Technical committee by the Minister if the member does not disclose to the Committee as soon as possible that the member has direct or indirect pecuniary interest in a matter being considered by the Committee (otherwise than as a member of and in common with other members of, an incorporated company of more than 25 persons); such disclosures must be recorded in the minutes of the meeting.

The clause also provides for arrangements for meetings of the Technical Committee. The Technical Committee must meet when necessary to carry out its functions, at such times and places as determined by the Committee. The Chairperson is empowered to convene meetings at any time and to preside over meetings; in the absence of the Chairperson the members must elect one of the members present to preside. The Minister may direct in writing that a member not be present during Committee consideration of matters in which the member has direct or indirect pecuniary interests.

Clause 12 - Insertion of new section

12. This clause provides for insertion of a new section 24B:

(1) to empower the Alligator Rivers Region Research Institute to undertake research on environmental matters for other persons on a commercial basis; and

(2) limiting that function to matters covered by the legislative powers of the Commonwealth Parliament.

The additional function will allow the Research Institute to contribute to the national research effort by making its expertise available to others while at the same time strengthening its own capacity for research.

Clause 13 - Staff

13. This clause repeals subsections (2) and (3) of section 26 of the Principal Act, which provided for the Supervising Scientist to have the powers of a Departmental Secretary, and subsection (4) of that section relating to engagement of persons other than under the *Public Service Act 1922*. Contracts in force immediately before the commencement of this Act continue after commencement of the Act as if they had been entered into by the Commonwealth.

These changes are necessary to integrate the Office of the Supervising Scientist into the Commonwealth Environment Protection Agency.

Clause 14 - Secrecy

14. This clause provides that the secrecy provisions of section 31 of the Principal Act continue to apply to persons engaged by the Supervising Scientist under subsection 26(4) of the Principal Act whose contracts are in force immediately before the Act comes into force.

Clause 15 - Reports

15. This clause amends section 36 of the Principal Act to exempt from the requirement for the Minister to lay before the Houses of Parliament reports from the Supervising Scientist on scientific and technical advice to the Minister on environmental matters outside the Alligator Rivers Region. This enables the Government to maintain confidentiality of the reports if necessary.

Clause 16 - Further amendments of the Principal Act

16. This clause provides for amendments to the Principal Act as specified in the Schedule to express the Principal Act in gender-neutral terms.