

Environment Conservation Council Bill

EXPLANATORY MEMORANDUM

PART 1—ESTABLISHMENT OF COUNCIL

- Clause 1 sets out the purposes of the Act.
- Clause 2 provides for the commencement of the Act.
- Clause 3 sets out the definitions used in the Act.
- Clause 4 provides for the establishment of the Council.
- Clause 5 sets out that there shall be a core membership of three, but that for the purposes of an investigation additional members may be appointed.
- Clause 6 sets out the functions of the Council. Its principal function is to carry out investigations into public land and natural resources on public land.
- Clause 7 provides that the Council has powers required to enable it to carry out its functions.
- Clause 8 sets out the terms of appointment of the Council. In general, these will be specified in the instrument of appointment. A member holds office for up to three years and a member appointed in respect of an investigation holds office for the period of that investigation.
- Clause 9 requires one member to be appointed to chair the Council.
- Clause 10 entitles members who are not officers or employees of the public service to receive fees and allowances in respect of their office.
- Clause 11 sets out that a member may resign or may be removed from office at any time by the Governor in Council.
- Clause 12 provides for the filling of vacancies on the Council.
- Clause 13 sets out the requirements for the conduct of meetings of the Council.
- Clause 14 provides for the validity of decisions, notwithstanding defects in appointments.
- Clause 15 permits the Council to establish committees.

Clause 16 requires the Council to report annually to the Minister on its operations and for the Minister to lay the report before Parliament.

PART 2—INVESTIGATIONS

Clause 17 provides for the Minister to require the Council to carry out an investigation and for the Minister to direct the Council on any matter it is to take into consideration or to withdraw or amend a request.

Clause 18 requires a request for investigation or an amendment or withdrawal to be laid before Parliament and published in the Government Gazette.

Clause 19 sets out the process for the Secretary and the Council to agree on the resources required for an investigation.

Clause 20 sets out the matters which the Council must take into account in investigations. These include the social and economic factors, as well as ecological sustainability and any obligation entered into by the Commonwealth or the State which relates to the subject matter of the investigation.

Clause 21 requires the Council to publish a notice of an investigation and notice of any proposal to hear further submissions and provides for the information which the notice must contain.

Clause 22 enables for any person to make a submission to the Council on an investigation or after the Council has given notice of a proposal to hear further submissions and sets out the requirements for submissions.

Clause 23 requires the Council to present a written report on an investigation and provides that the report must include an account of submissions received. The Minister is required to lay the report before Parliament.

Clause 24 sets out the process for the Council to request and the Minister to grant or deny an extension of time to complete an investigation.

PART 3—SAVINGS AND TRANSITIONALS

Clause 25 provides for the repeal of the **Land Conservation Act 1970**.

Clause 26 provides that the repeal of the **Land Conservation Act 1970** does not affect any recommendation made under that Act and any act matter or thing done to give effect to such a recommendation.

- Clause 27 this clause substitutes the **Environment Conservation Council Act 1997** for the reference to the **Land Conservation Act 1970** in section 2 of the **Land Conservation (Vehicle Control) Act 1972**.
- Clause 28 provides for the repeal of section 37(e) of the **Flora and Fauna Guarantee Act 1988**.
- Clause 29 provides for the definition of public land in section 2 of the **Reference Areas Act 1978** to be saved despite the repeal of the **Land Conservation Act 1970**.

