

## **Environment Reporting Bill**

### **EXPLANATORY MEMORANDUM**

#### **PART 1—PRELIMINARY**

*Clause 1* sets out the purposes of the Act.

*Clause 2* provides for the Act to come into operation on a day or days to be proclaimed.

*Clause 3* provides a definition of certain words and phrases in the Act.

*Clause 4* states that the Act binds the Crown.

#### **PART 2—THE COMMISSIONER AND THE COMMISSIONER'S STAFF**

*Clause 5* provides for appointment of the Commissioner for the Environment to be by Governor in Council and for any person who has reached the age of 65 to be ineligible for appointment.

*Clause 6* provides that the period of office of the Commissioner is that specified in the instrument of appointment and must not exceed 4 years or extend beyond their 65th birthday. A Commissioner may be reappointed.

*Clause 7* provides the grounds on which the Commissioner may be suspended from or lose office. It also provides for restoration to office after suspension where appropriate.

*Clause 8* provides the terms of appointment for the Commissioner.

*Clause 9* provides for the terms and period of appointment of an Acting Commissioner during a temporary absence of the Commissioner.

*Clause 10* provides for the Commissioner and Acting Commissioner to take an oath or make an affirmation of office.

*Clause 11* provides for appointment of staff to the Commissioner.

*Clause 12* provides that the Commissioner or Acting Commissioner may delegate certain of their powers and functions.

#### **PART 3—WORK OF THE COMMISSIONER**

##### **Division 1—Objectives, Functions and Powers**

*Clause 13* specifies the objectives of the Commissioner.

*Clause 14* specifies the functions of the Commissioner.

*Clause 15* details the powers of the Commissioner in relation to seeking information.

*Clause 16* provides that the Commissioner has authority to undertake or have undertaken any research considered necessary.

*Clause 17* details what the Commissioner may report on and in what circumstances a report should be suspended. It lists procedures to be followed during preparations of a report.

## **Division 2—Reports to Parliament**

*Clause 18* provides that the Commissioner must table an annual report about the state of the environment before both houses of Parliament and immediately thereafter the report be sent to the Natural Resources and Environment Committee. It also describes the form of the report.

*Clause 19* provides that any actions required to be taken by a public sector agency must be reported on in the next annual report for that agency.

*Clause 20* provides that special reports may be prepared on a matter of major public importance either at the instigation of the Minister, the Natural Resources and Environment Committee or the Commissioner.

*Clause 21* provides the timing for Government responses to reports.

## **PART 4—GENERAL**

### **Division 1—Disclosure of Information**

*Clause 22* provides for safeguards against disclosure of certain information by the Commissioner, or any other person.

*Clause 23* states what information may be disclosed to the Commissioner by the Crown or any public sector agencies.

*Clause 24* provides for the Commissioner to exercise the powers of a sole Commissioner under certain provisions of the **Evidence Act 1958** with the approval of the Governor in Council.

### **Division 2—Miscellaneous Provisions**

*Clause 25* provides that it is an offence to give false information to the Commissioner.

*Clause 26* provides protection for the Commissioner and staff against liability for actions taken in good faith during an enquiry carried out under terms of the Act.

*Clause 27* provides for proceedings to be brought for an offence against the Act by the Commissioner and that proceedings against the Commissioner may only be brought by or with the consent of the Director of Public Prosecutions.

*Clause 28* provides continuity of employment and superannuation benefits for Commissioners appointed from the public service.

*Clause 29* expresses the intention to vary section 85 of the **Constitution Act 1975** to prevent the bringing before the Supreme Court an action or proceeding referred to in Clause 26.

## **PART 5—REGULATIONS**

*Clause 30* provides that the Governor in Council may make regulations with respect to the carrying out of the Commissioner's objectives, functions or powers.

## **PART 6—CONSEQUENTIAL AMENDMENTS**

*Clause 31* amends the **Parliamentary Committees Act 1968**, to require the Natural Resources and Environment Committee to report to Parliament on any State of the Environment report within 18 sitting days of the report being tabled.

*Clause 32* provides for consequential amendments to the **Public Service Act 1974**.

*Clause 33* provides for consequential amendments to the **Annual Reporting Act 1983**.

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