

ENVIRONMENTAL PROTECTION AND ANOTHER ACT AMENDMENT BILL 2002

EXPLANATORY NOTES

GENERAL OUTLINE

The Bill's Short Title

Environmental Protection And Another Act Amendment Bill 2002

Reasons for the Bill

Following receipt of legal opinion that some mining and petroleum environmental authorities may be invalid because they do not have a development approval under the *Integrated Planning Act 1997*, the Government has prepared amendments to the *Environmental Protection Act 1994* to ensure the validation of previously issued and future environmental authorities. The Bill declares that all environmental authorities issued for mining and petroleum activities since the commencement of the *Integrated Planning Act 1997* are valid.

Consistency with Fundamental Legislative Principles

The *Legislative Standards Act 1992* outlines a number of fundamental legislative principles. These principals require that the legislation has regard to the rights and liberties of individuals and institutions of Parliament. The Bill is consistent with the fundamental legislative principles.

NOTES ON PROVISIONS

PART 1—PRELIMINARY

Short title

Clause 1 states the short title of this Act as being the *Environmental Protection and Another Act Amendment Bill 2002*.

PART 2—AMENDMENT OF ENVIRONMENTAL PROTECTION ACT 1994

Act amended in pt 2

Clause 2 states this part amends the *Environmental Protection Act 1994*.

Amendment of s75 (Development for Integrated Planning Act, sch 8, pt 1, item 6)

Clause 3 amends section 75 by excluding petroleum activities from the planning approval requirements of the *Integrated Planning Act 1997*.

Subsection 1 amends section 75 to exclude environmentally relevant activities related to petroleum activities from the development approval requirements of the *Integrated Planning Act 1997*.

Subsection 2 amends section 75(2) by inserting a definition for petroleum activity.

Amendment of s 76 (Additional material change of use for Integrated Planning Act)

Clause 4 amends section 76 by excluding environmentally relevant activities related to petroleum activities from the *Integrated Planning Act 1997* requirements where the *Petroleum Act 1923* authorises a change to activities that would otherwise be a material change of use for related environmentally relevant activities.

Insertion of new ch 13, pt 3

Clause 5 inserts a new part heading in the *Environmental Protection Act 1994* and a new section 617 into the Act validating environmental authorities for petroleum and mining activities.

Subsection 1 indicates that this section applies to environmental authorities for petroleum and mining activities issued since the commencement of the *Integrated Planning Act 1997* and before the commencement of this new section 617.

Subsection 2 states environmental authorities issued for mining and petroleum activities issued since the commencement of the *Integrated Planning Act 1997* and before the commencement of this new section 617 are valid environmental authorities.

PART 3—AMENDMENT OF INTEGRATED PLANNING ACT 1997**Act amended in pt 3**

Clause 6 states this part amends the *Integrated Planning Act 1997*.

Amendment of sch 8, pt 3

Clause 7 amends schedule 8, part 3 of the Act by including petroleum activities as defined in section 75 of the *Environmental Protection Act 1994* as exempt development. A petroleum activity is exempt development and is therefore not subject to the requirements of assessable development under the *Integrated Planning Act 1997*.