



Australian Capital Territory

Commissioner for the Environment Amendment Act 2012

A2012-25

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Australian Capital Territory

Commissioner for the Environment Amendment Act 2012

A2012-25

An Act to amend the *Commissioner for the Environment Act 1993*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2012-67

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Commissioner for the Environment Amendment Act 2012*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Commissioner for the Environment Act 1993*.

Note This Act also amends the following legislation (see sch 1);

- *Environment Protection Act 1997*
- *Legislation Act 2001*
- *Ombudsman Act 1989*.

4 Long title

omit

Commissioner for the Environment

substitute

commissioner for sustainability and the environment

5 Section 1

substitute

1 Name of Act

This Act is the *Commissioner for Sustainability and the Environment Act 1993*.

6 New section 2B

insert

2B Objects of Act

The objects of this Act are to—

- (a) ensure regular and consistent reporting on matters relating to the condition and management of the environment in the Territory; and
- (b) ensure regular reporting on progress towards ecologically sustainable development by the Territory and territory authorities; and
- (c) encourage decision-making that facilitates ecologically sustainable development; and
- (d) enhance knowledge and understanding of issues relating to ecologically sustainable development and the environment; and
- (e) encourage sound environmental practices and procedures to be adopted by the Territory and territory authorities as a basis for ecologically sustainable development.

7 Section 4 heading

substitute

4 Commissioner for Sustainability and the Environment

8 Section 4 (1)

omit

Commissioner for the Environment

substitute

Commissioner for Sustainability and the Environment

9 Functions
Section 12 (1) (a)

substitute

- (a) investigating complaints about—
 - (i) the management of the environment by the Territory or a territory authority; and
 - (ii) issues relating to ecologically sustainable development in the ACT;

10 Complaints
Section 13 (1) and note

substitute

- (1) A person may make a complaint to the commissioner about the following:
 - (a) the management of the environment by the Territory or a territory authority;
 - (b) issues relating to ecologically sustainable development in the ACT.

Note If a form is approved under s 28 for this provision, the form must be used.

11 Section 19 (2) (c)

substitute

- (c) an assessment of pressures and sustainability trends; and
- (d) an evaluation of the effectiveness of sustainability plans; and
- (e) any other matters, whether or not occurring within the triennium to which the report relates, that—
 - (i) the Minister states in written notice given to the commissioner; or
 - (ii) the commissioner considers relevant.

12 Section 19 (3)

substitute

- (3) The Minister must, within 6 months after the day of receiving a state of the environment report, present to the Legislative Assembly a statement that sets out the response of the government to the report.

13 Section 19 (7), new definition of *sustainability plan*

insert

sustainability plan means a plan that—

- (a) includes a sustainability goal; and
- (b) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

14 New section 21 (2)

insert

- (2) The Minister must, within 6 months after the day of receiving a special report required by the Minister under subsection (1) (a), present to the Legislative Assembly a statement that sets out the response of the government to the report.

**15 Minister to table reports and recommendations
Section 22**

omit

15

substitute

6

16 Dictionary, note 2

insert

- the Territory
- territory authority

17 Dictionary, definition of *commissioner*

substitute

commissioner means the Commissioner for Sustainability and the Environment appointed under section 4.

18 Dictionary, new definition of *ecologically sustainable development*

insert

ecologically sustainable development means the effective integration of economic and environmental considerations in decision-making processes achievable through implementation of the following principles:

- (a) the precautionary principle;
- (b) the inter-generational equity principle;
- (c) conservation of biological diversity and ecological integrity;
- (d) improved valuation and pricing of environmental resources.

19 Dictionary, new definitions

insert

the inter-generational equity principle means that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

the precautionary principle means that, if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Environment Protection Act 1997

[1.1] Section 2 (1) (k)

omit

commissioner for the environment

substitute

commissioner for sustainability and the environment

Part 1.2 Legislation Act 2001

[1.2] Dictionary, part 1, definition of *commissioner for the environment*

substitute

commissioner for sustainability and the environment means the Commissioner for Sustainability and the Environment under the *Commissioner for Sustainability and the Environment Act 1993*.

Part 1.3 Ombudsman Act 1989

[1.3] Section 5 (2) (g)

omit

commissioner for the environment

substitute

commissioner for sustainability and the environment

[1.4] Section 6B (1) (a)

omit

commissioner for the environment

substitute

commissioner for sustainability and the environment

[1.5] Dictionary, definition of *prescribed authority*, paragraph (c)

omit

commissioner for the environment

substitute

commissioner for sustainability and the environment

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 February 2012.

2 Notification

Notified under the Legislation Act on 28 May 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Commissioner for the Environment Amendment Bill 2012, which was passed by the Legislative Assembly on 9 May 2012.

Clerk of the Legislative Assembly

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