

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

COMMISSIONER FOR THE ENVIRONMENT AMENDMENT BILL

EXPLANATORY MEMORANDUM

**Circulated by authority of
Brendan Smyth MLA
Minister for Urban Services**

Outline of Bill

The *Commissioner for the Environment Act 1993* establishes the office of Commissioner for the Environment and provides for the State of the Environment (SoE) Report. Currently SoE reports are due on 31 March in each pre-election year (section 19).

This Bill proposes that the next SoE report be due on 30 November 2000, and that subsequent reports be due on a date set by the Minister, by disallowable instrument, after considering the Commissioner's recommendation.

There are two reasons for this proposed change:

- ACT elections are now held in October in every third year, rather than in February; and
- The Commissioner now prepares an Australian Capital Region SoE Report that draws heavily on the ACT SoE Report. Although this is a non-statutory report it is tied to the obligation of NSW Local Government Authorities to prepare SoE reports in the November of every fourth year.

As the respective three and four yearly cycles only align every 12 years, the Bill provides for reporting cycles to be set on a case by case basis, allowing the optimum reporting period to be selected on each occasion.

Outline of Clauses

Clause 1 gives the name of the Act that the Bill will take, if passed.

Clause 2 provides that the Act commences on gazettal.

Clause 3 gives the name of the Act being amended.

Clause 4 amends section 19 of the Principal Act to insert new subsections 19(1) and 19(3) to (7). The effect of these clauses is that the next SoE report is due on 30 November 2000, to cover the 3 years ending on 30 June 2000. Subsequent reports will be due on a date set by the Minister, by disallowable instrument, after considering a recommendation by the Commissioner. The Commissioner's recommendation must be made within 12 months of the previous SoE Report being presented.

The reporting period set by the Minister must be no longer than 4 years and the reporting day must be a date between 3 and 6 months after the reporting period ends.

Clause 5 replaces section 22 with a provision that requires the Minister to table in the Assembly within 15 sitting days:

- a recommendation from the Commissioner about the next SoE reporting period; and
- each SoE presented by the Commissioner.