2014

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ENVIRONMENT PROTECTION AMENDMENT BILL 2014

EXPLANATORY STATEMENT

Presented by

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EXPLANATORY STATEMENT

This explanatory statement relates to the *Environment Protection Amendment Bill 2014* (the Bill) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

The Statement must be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Background

This explanatory statement provides information about why a Bill is proposed together with an explanation about the proposed legislative amendments.

The *Environment Protection Act 1997* (Act) and the Environment Protection Regulation 2005 (Regulation) are the integrated legislative framework that protects the ACT's environment by promoting environmental awareness, encouraging progressive environmental improvements, facilitating the implementation of national environment protection measures and providing a regulatory structure to help reduce and eliminate the discharges of pollutants into the air, land and water.

During 2012-2013, a review of the Act and Regulations, including the public release of the *Review of the Environment Protection Act 1997 Discussion Paper*, was undertaken. The Discussion Paper was released on 2 August 2012 and the Public Consultation Report based on submissions received was completed in April 2013.

The review identified that proposed reforms will contemporise the Act. Changes would streamline regulatory processes that would ensure the integrity of its operation and encourage better environmental practices. This is consistent with other jurisdictions and the Council of Australian Government's (COAG) reform agenda to harmonise environmental legislation nationally.

Cabinet agreed to the preparation of legislation to amend the *Environment Protection Act 1997* to implement reforms as a result of the 2012-13 review of the Act and Regulation.

Overview of the Bill

The Bill proposes a number of amendments to the *Environment Protection Act 1997 and* the Environment Protection Regulation 2005. The proposed amendments to the Act and Regulation are categorised into three broad areas:

1. Major amendments to implement the recommendations from the 2012-13 review of the Act and public consultation report including:
   (a) the simplification and modernisation of the objectives of the Act
   (b) facilitate a proactive approach by including the concept of 'likely or potential harm' in the definition of environmental harm
   (c) inclusion of enforceable undertakings as an alternative to infringement notices
   (d) removal of Government immunity
   (e) clarification that the Act has extra-territoriality application
   (f) changes to the contaminated sites register.

2. Various other amendments to the Act in response to operational experience including:
   (a) the removal of the requirement to advertise in a daily newspaper the granting of an environment protection authorisation
   (b) introduction of a process to reconsider the decisions made by Environment Protection Authority (EPA)
   (c) amendment of Schedule 1, table 1.2 of the Act to better define specific activities of petroleum storage facilities, and make operations at specific waste transfer stations and the treatment of hazardous components of electronic waste class A activities
   (d) amendment of Schedule 1, table 1.3 of the Act to include the storage and dismantling of electronic waste as a class B activity.

3. Other minor and technical amendments to the Act and the *Environment Protection Regulation 2005* to improve their operation.

Expansion of definition of environmental harm to include 'likely' or 'potential harm'

The Bill proposes to expand the scope of environmental harm through inclusion of 'likely or potential harm', in addition to actual realised harm in the definition of environmental harm.

The narrow definition of environmental harm in the current Act unnecessarily limits the scope and practical effectiveness of the laws. There are, for example (with the exception of s142 of the Act), no offences applying to actions that have the potential to result in serious environmental harm but fall short of actually causing environmental harm. The Bill introduces the concept of 'likely' or 'potential harm' throughout the legislation which will provide the necessary tools to proactively tackle transient and cumulative environmental impacts. This will overcome the limitation faced by the EPA in determining the seriousness of an act or omission which constitutes an offence but may fall short of demonstrating causation of actual environmental harm.

The current definition of 'environmental harm' requires the regulator to demonstrate the environmental degradation caused by the alleged breach of environmental duty or authorisation. However, in most cases, the regulator can prove that a breach has occurred but tangible evidence of environmental degradation cannot be demonstrated because of the transitory nature of pollution and its effects. This limits the regulator's ability to take appropriate regulatory action.

It is proposed to overcome these limitations and difficulties by broadening the definition of 'environmental harm' to include 'likely' or 'potential harm'. This proposal is consistent with the environmental duties set out in Part 3 of the Act requiring practicable and reasonable action to prevent or minimise environmental harm caused or likely to be caused. The proposed amendment is consistent with broader definitions of 'environmental harm' in other jurisdictions such as NSW, Queensland, South Australia and Victoria.

Reforms in relation to Environmental Authorisations

The Bill proposes to remove the requirement for public notification, by way of newspaper advertisement for grants of Environmental Authorisations. Operational experience indicates that this process is of limited value. The number of enquiries and objections regarding grants has been negligible since the Act's inception and it is considered that the expense and time involved in the process is not warranted. It should be noted that the consultation process as prescribed in section 48 for the application for an environmental authorisation would continue. Notification of the grant of an environmental authorisation would still be placed on the ACT Legislation Register. The grant itself would still be available for public inspection.

Internal review of decisions

Presently, a person aggrieved with a decision of the EPA can only appeal to the ACT Civil and Administrative Tribunal (ACAT) according to Part 14 and Schedule 3 of the Act. ACAT appeals can be time consuming and costly for both parties and may not always be the most appropriate way of reviewing a decision. The Bill, therefore, proposes to provide an additional right for an aggrieved person to seek an internal review of a decision by the EPA. There will still be a right to appeal to ACAT from the decision made on review. It will still be possible for a person to seek merit review of the matter by ACAT without going through the internal review process.

Enforceable undertakings

The Bill proposes to introduce enforceable undertakings as an alternative to infringement notices and criminal prosecutions. An enforceable undertaking allows an alleged offender to voluntarily enter into a binding agreement to undertake tasks to settle an alleged contravention of the law and remedy the harm to the environment and the community.

Enforceable undertakings provide an additional tool, at the instigation of the alleged offender, to address an alleged contravention of the Act, without the EPA resorting to criminal prosecutions or issuing infringement notices. Criminal sanctions for 'serious' or 'material' environmental harm would continue to be available under the Act, as would infringement notices for minor environmental offences pursuant to the *Magistrates Court (Environment Protection Infringement Notices) Regulation 2005*.

The application and granting of an enforceable undertaking would not be an admission of liability or fault. During the period in which an enforceable undertaking is in force or if the person has complied with it, proceedings may not be brought against them for the alleged offence. If an enforceable undertaking is contravened, the EPA may apply to the Magistrates Court for an order, including to perform the enforceable undertaking, to pay an amount the court determines to be the value of the benefits anyone has derived from its contravention or any other order. Failure to comply with an order would be a strict liability offence with a maximum penalty of 200 penalty units.

The introduction of enforceable undertakings would provide for a better hierarchy of

enforcement mechanisms and bring the Act into line with other jurisdictions, such as the *Protection of the Environment Operations Act 1997* (NSW), the *Environment Protection Act 1970* (Vic) and the *Environment Protection Act 1993* (SA).

Removal of Government Immunity

The Bill will remove the presumption of statutory interpretation that the Act does not apply to the Government except by express words or necessary implications. This will provide greater clarity and guidance to the courts in determining government liability under the Act.

The provision will also provide an equitable platform, offering a 'level playing field' to government, businesses and industries, which will increase public confidence in the environment protection regime whilst maintaining the integrity of the ACT's social, economic and environmental policies. The public consultation indicated strong community support for the ACT government to be bound by the provisions of the Act without exception.

The EPA will enter into dialogue with the Commonwealth to seek amendment to Commonwealth regulations to ensure that the ACT legislation additionally applies to Commonwealth government agencies in the future.

Extra-territorial Application

The ACT's Criminal Code 2002 contains provisions that allow for the application of Territory laws beyond its borders if there is sufficient geographical nexus. This means that offences under the *Environment Protection Act 1997* can extend to environmental incidents that impact on the ACT environment even if the offence is committed completely outside the ACT.

Human rights implications

Strict liability offences
It is acknowledged that the use of strict liability offences could be argued to be a limitation on the right to be presumed innocent under section 22 of the *Human Rights Act 2004* (HRA) and could be argued to unduly trespass upon personal rights and liberties. However, it is considered that it is permissible as a reasonable limitation under section 28 of the HRA because the limitation on rights pursues a legitimate objective and is proportional.

A strict liability offence under section 23 of the *Criminal Code 2002* means that the *mens rea* (fault element) does not form part of what is necessary to prove the offence. This means that conduct alone is sufficient to make the defendant culpable.

In the context of protecting the environment, a person's alleged actions, resulting in environmental harm, may limit the ability of the community to enjoy the environment and impose costs on the Government and the community. Regardless of a person's mental element, if they perform an act that results in environmental harm, they should be held to account or ordered to remedy the harm so caused. The use of

strict liability offences as a deterrent is demonstrably justifiable and reasonable in this context.

Under the Criminal Code, all strict liability offences have the specific defence of mistake of fact. Subclause 23(3) of the Criminal Code makes it clear that other defences are still available for use in strict liability offences. The general common law defences of insanity and automatism still apply as they go towards whether a person has done something voluntarily.

Possible alternatives to the proposed law

Following consideration of submissions received and a comparative analysis of other Australian jurisdictions' relevant laws, three alternative options were identified to achieve the policy objectives contained in the Bill.

First, the development, revision, amendment and implementation of specific policies may have improved some of the functions and procedures under the Act. This option was not pursued as policies do not create legislative rights and may have been subject to technical challenges and changes without thorough scrutiny by the Legislative Assembly and the Community.

Secondly, the Act permits the Executive to make Regulations to supplement the Act. Given that the proposed amendments are fundamental legal principles under the Act, Regulations would not have been appropriate to amend or improve on matters contained in the Act.

The third alternative option contemplated the creation of a new Environment Protection Bill. However, the review of the Act determined that the vast majority of the current Act is appropriate and effective in meeting its objects to protect the environment. Instead, targeted amendments are presented to contemporise the Act, streamline regulatory processes and encourage better environmental practices.

Outline of Provisions

Part 1 – Preliminary

Clause 1 — Name of Act
This clause names the Act as the *Environment Protection Amendment Act 2014.*

Clause 2 – Commencement
This clause provides the details of when relevant provisions commence – section 7, sections 9 to11 and section 32 on a day fixed by the Minister by written notice – with the remaining provisions of the Act commencing on the day after its notification day.

Clause 3 – Legislation amended
This clause provides that the Act amends the *Environment Protection Act 1997* and the Environment Protection Regulation 2005.

Part 2 – Environment Protection Act 1997

Clause 4 – Section 2
This clause removes existing Objects of the Act

Clause 5 –Offences against Act – application of Criminal Code etc Note 1
This clause amends Note 1 to section 3B by including the application of the *Criminal Code 2002* Chapter 2 to offences against section 136L (Contravention of enforceable undertakings). The Note also assists in the interpretation of the Act including noting that the applied provisions of the Criminal Code include geographical application provisions. This ensures that offences committed completely outside the ACT but that have an effect in the ACT are covered by the application of the amended Act.

Clause 6 New sections 3C and 3D

This clause amends section 2 of the Act by amending the existing 'Objects of the Act' to define those that are Objects and those that are 'Principles' in applying the Act'.

The Act is interpreted and administered to give effect to the objects of the legislation. The Act's objects clause is presently drafted broadly and is extensive, consisting of 16 subclauses. Such a large number of objects can make administrative decision-making more complex. Also, the objects of the Act do not presently differentiate between the aspirational and practical/operational objects of the Act. Legislation in other jurisdictions (such as Victoria and Western Australia) clearly distinguishes between the objects of the Act and the principles to be applied.

Clause 7 – Section 10
This clause substitutes the criminal liability of the Territory making the Territory liable for an offence against the Act. This clause removes from the Act the expressed offences for which the Territory is exempt from prosecution. This clause expressly displaces section 212(3) of the *Legislation Act 2001*.

Clause 8 -Inspection of documents Section 19(1)(q)

Clarifies that the Register in section 19 is the Register of contaminated sites.

Clause 9 – Register of contaminated sites – Section 21A(2) and (3)

This clause amends section 21A(2) of the Act to provide that the register of contaminated sites must, in addition to the obligation to keep the particulars of land which is contaminated land which is subject of an order to assess (s91C(1)), land which is the subject of an order to remediate (s91D(1)) and land which is the subject of an environment protection order (s125(2) or (3)), including the particulars of land in relation to a requirement to commission or commissioning of an environmental audit under the Act or another Act of the Territory. For example, a condition of development approval under ACT planning legislation.

This clause amends subsection 21A(3) to refer to subparagraph 21A(2)(b)(i) instead of individual provisions referenced in that subparagraph.

Clause 10 - Section 21A(3)

This clause omits existing section 21A(3)

Clause 11 – Section 21A(4)(b)

This clause inserts a requirement for an order issued under section 125(3) to manage land contamination to be placed on the register of contaminated sites.

Clause 12 – Section 21A(5) and 21(5A)

This clause amends section 21A(5) to detail when particulars of land are removed from the register of contaminated sites and inserts section 21(5A) the requirement to notify the ACT Planning and Land Authority and if the land is designated land the National Capital Authority, of an entry or removal of particulars of land from the register of contaminated sites.

Clause 13 – Section 38

This clause substitutes a new section 38 into the Act requiring the EPA to give a copy of the environmental protection agreement to the person with whom the EPA has entered into an environmental protection agreement.

Clause 14 – Form and terms of agreements – Section 39(c)(i) and (ii)

This clause amends section 39(c) omitting ‘caused by the activity’ and substituting ‘caused or likely to be caused by the activity’.

Clause 15 – Compliance with authorisation – Section 45(2)(a)(ii)

This clause amends section 45(2)(a)(ii) omitting ‘environmental harm was caused’ and substituting ‘environmental harm was caused or likely to be caused’.

Clause 16 – Section 45(2)(b)

This clause inserts ‘or likely to be caused’ after ‘caused’ in section 45(2)(a)(ii).

Clause 17 – Grant – New section 49(6A)

This clause inserts a new section 49(6A) requiring the EPA to notify a person who made a submission on an application for an environmental authorisation of its decision under section 49.

Clause 18 – Notification of grant – Section 50(5)

This clause omits the requirement for the EPA to publish in a daily newspaper a notice that it has granted an environmental authorisation. The notice of the grant of an environmental authorisation will continue to be a notifiable instrument.

Clause 19 – Section 50(6)
This clause removes the requirement for the EPA to publish a notice in a daily newspaper within 10 working days after the day it grants an environmental authorisation.

Clause 20 – Kind of conditions – Section 51(a)(vii)
This clause inserts ‘or likely environmental harm’ after ‘environmental harm’ in section 51(a)(vii).

Clause 21 – Notice of intention to vary an authorisation – Section 62(2)(b)
This section omits ‘will cause,’ and inserts ‘is likely to cause,’ in section 62(2)(b).

Clause 22 – Suspension and cancellation – Section 63(1)(a)(ii)
This section omits ‘or is happening’ and substitutes ‘, is happening or is likely to happen’ in section 63(1)(a)(ii).

Clause 23 – Request for auditor’s statements Section 76(1)
This clause omits ‘statement (a site audit statement)’ and substitutes ‘written notice’.

Clause 24 – Requests for auditor’s statements – New section 76A(1)(aa)
This clause inserts new particulars an auditor must include in a site audit statement.

Clause 25 – Section 76A(2), new note
This clause inserts a new note that if the ‘written notice’ in section 76(1) is approved under section 165A, the form must be used.

Clause 26 – Claim on realisation of financial assurance – Section 88(1)(a)
This clause inserts ‘, or is likely to be caused’ after ‘caused’ in section 88(1)(a).

Clause 27 – Notice before claim on or realisation of a financial assurance – Section 89(1)(a)
This clause inserts ‘, or is likely to be caused,’ after ‘caused’ in section 89(1)(a).

Clause 28 – Section 89(1)(b)
This clause inserts ‘or likely environmental harm’ after ‘environmental harm’ in section 89(1)(b).

Clause 29 – Recovery of extra costs – Section 90(1)
This clause inserts ‘or likely to be caused’ after ‘caused’ in section 90(1).

Clause 30 – Procedure if samples taken – Section 102
The clause removes from the Act the procedure which an authorised officer must follow if taking a sample for analysis under sections 99 and 100 of the Act.

Clause 31 – Information discovery orders – Section 133(1)(a)
This clause is a technical amendment that omits unnecessary words.

Clause 32 – Part 14

This clause substitutes Part 14 – Notification and review of decisions. The clause inserts a new definition which applies to the Part - internally reviewable decision. The clause also expands the definition of reviewable decision to additionally include a decision made on internal review.

This clause amends section 136 and requires the EPA to give to relevant entities an internal review notice or a reviewable decision notice if the EPA makes an internally reviewable decision notice or a reviewable decision, respectively.

This clause details who may apply for a review of an internally reviewable decision; the form and content of an application; and the time period in which the application must be given to the EPA.

This clause provides that the making of an application for review of an internally reviewable decision does not affect the operation of the decision.

This clause provides that the EPA must review the decision following an application for review. The clause includes a timeframe within which the EPA must review the internally reviewable decision. The EPA must either: confirm the decision; vary the decision; or set aside the decision and substitute the reviewer's own decision. If the decision is not varied or set aside within the timeframe within which the EPA must review the internally reviewable decision, the decision is deemed to have been confirmed by the EPA.

The clause also provides that relevant entities or any other person whose interests are affected by the decision may apply to the ACAT for review of a reviewable decision.

Clause 33 – New part 14A

This clause inserts a new Part 14A – Enforceable undertakings. The new Part includes two definitions applicable to the Part – 'enforceable undertaking' and 'environmental undertaking'.

This clause provides for a person, whom the EPA alleges has committed an offence against division 15.1 (Environmental offences) to give the EPA a written undertaking (an environmental undertaking) in relation to the offence. The clause prescribes what the environmental undertaking must do including: state that, on acceptance by the EPA, it is an enforceable undertaking under the ACT; acknowledge that the EPA alleges that the person has committed an offence against a state provision of the Act; identify facts and circumstances of the alleged offence; and, include one or more undertakings relating to the alleged offence.

This clause provides that the EPA may accept an environmental undertaking by written notice given to the person who gave the undertaking. On acceptance of the environmental undertaking, the undertaking becomes an enforceable undertaking.

This clause provides that the person who gave the enforceable undertaking may withdraw from or amend the undertaking only with the EPA's written agreement, but the undertaking may not be amended to provide for a different alleged offence.

This clause provides for the ending of an enforceable undertaking – if the EPA is satisfied that the undertaking is no longer necessary or desirable. The EPA may end an enforceable undertaking on its own initiative or on the application of the person who gave the enforceable undertaking. The enforceable undertaking ends when the person who gave the enforceable undertaking receives the EPA's notice.

This clause provides that regardless of whether or not the EPA accepts an environmental undertaking in relation to an alleged offence, the giving of an environmental undertaking is not an express or implied admission of fault or liability and is not relevant to deciding fault or liability in relation to the alleged offence.

This clause creates a strict liability offence with a maximum penalty of 200 penalty units. If the EPA believes on reasonable grounds that an enforceable undertaking has been contravened, it may apply to the Magistrates Court for an order. If the Court is satisfied that the enforceable undertaking has been contravened, it may make one or more orders: requiring the person who gave the undertaking to ensure that the undertaking is not contravened; requiring the person who gave the undertaking to pay to the Territory the amount assessed by the court as the value of the benefits anyone has derived, directly or indirectly, from the contravention; requiring the person who gave the undertaking to compensate someone who has suffered loss or damage because of the contravention; and/or any other order that the court considers appropriate.

This clause prohibits proceedings being brought against a person for an alleged environmental offence if an enforceable undertaking is in force in relation to the alleged offence or the person has complied with an enforceable undertaking in relation to the alleged offence.

Clause 34 – Causing serious environmental harm – Section 137
This clause inserts 'or likely serious environmental harm; after 'environmental harm' in section 137.

Clause 35 – Causing material environmental harm - Section 138
This clause inserts 'or likely material environmental harm' after 'environmental harm' in section 138.

Clause 36 – Causing material environmental harm – Section 139
This clause inserts 'or likely environmental harm' after 'environmental harm' in section 139.

Clause 37 – Liability limited to harm caused by excess pollutants – Section 144
This clause inserts 'or likely environmental harm' after 'environmental harm' in section 144.

Clause 38 – Criminal liability of executive officers – Section 147(6)(f) to (h)
This clause inserts the concept of likely environmental harm in relevant offences which apply to executive officers. Subparagraph (f) is substituted to include causing serious environmental harm 'or likely serious environmental harm'. Subparagraph (g) is substituted to include causing material environmental harm 'or likely material

environmental harm'. Subparagraph (h) is substituted to include causing environmental harm 'or likely environmental harm'.

Clause 39 – Due diligence – Section 153
This clause inserts 'or likely environmental harm' after 'environmental harm' in section 153.

Clause 40 – Defence of emergency – Section 154(2)
This clause inserts 'or likely environmental harm' after 'environmental harm' in section 154(2).

Clause 41 – Additional court orders – Section 157
This clause inserts 'or likely environmental harm' after 'environmental harm' in section 157.

Clause 42 – Recovery of clean-up costs – Section 160
This clause inserts 'or likely environmental harm' after 'environmental harm' in section 160.

Clause 43 – Regulation-making power – New section 166(7A)
This clause inserts a new regulation-making power in relation to preventing or limiting pollution on development sites, including regulating or prohibiting certain conduct.

Clause 44 – Schedule 1, section 1.1, new definition of hazardous component.
This clause inserts a new definition of hazardous component for item 49.

Clause 45 – Schedule 1, table 1.2, new item 30
This clause amends item 30 of Schedule 1 table 1.2 as a class A activity in relation to section 42. The substituted activity is; 'the storage of petroleum products in a facility designed to store more than 50m³ of products'.

Clause 46 – Schedule 1, table 1.2, new items 48 to 49
This clause inserts two new items in Schedule 1 table 1.2 as class A activities: 'the operation of a waste transfer station receiving 30,000 tonnes or more of waste each year'; and 'the operation of a commercial facility for the treatment of hazardous components of electronic waste'.

Clause 47 – Schedule 1, table 1.3, new item 8
This clause inserts a new Class B activity into Schedule 1, table 1.3 'the operation of a commercial facility for the storage and dismantling of electronic waste'.

Clause 48 – Dictionary, definition of development
This clause inserts a definition of 'development' into the Dictionary of the Act. It removes the phrase 'land development' and substitutes it with 'development' in Schedule 1, table 1.3, item 4, column 2.

Clause 49 – Dictionary, new definitions
This clause inserts definitions of 'enforceable undertaking, 'environmental undertaking', 'electronic equipment', electronic waste', 'internally reviewable

decision', 'reviewable decision' and 'waste transfer station' into the Dictionary of the Act.

Part 3 – Environment Protection Regulation 2005

Clause 50 – Substances not to enter waterway - Section 44

This clause substitutes the current section 44 and broadens the circumstances which can lead to the pollution of waterways which are offences under the Regulation. The offence in the amended section is a strict liability offence as it is in the current Regulation.

Clause 51 – Development waste not to enter stormwater system or waterways – Section 45(3)

This clause omits section 45(3) from the Regulation.

Clause 52 – Areas near development to be kept clear – Section 46(3)

This clause omits section 46(3) from the Regulation.

Clause 53 – Entries to and exits from land to be kept stable – Section 47(4)

This clause omits section 47(4) from the Regulation.

Clause 54 – Consignment authorisation for controlled waste – Section 58(1)(b)

This clause substitutes subparagraph 58(1)(b) amending the second element of an offence for a producer who does not have a consignment authorisation for the movement of the waste.

Clause 55 – New section 58(2A)

This clause inserts a new section 58(2A) into the Regulation. The clause creates an offence, with a maximum penalty of 10 penalty units, for a person in charge of a facility if the person accepts a consignment of controlled waste; and does not have a consignment authorisation for the movement of the waste.

Clause 56 – New part 8A

This clause inserts a new Part 8A into the Regulation dealing with erosion and sediment control measures for development sites. The clause defines erosion and sediment control measures.

The clause creates an offence, with a maximum penalty of 10 penalty units, if a person who is in charge of development on a development site that is 0.3 hectares or greater and the person does not install and maintain on the site erosion and sediment control measures as required under the environmental protection agreement that is in effect in relation to the development.

The clause creates another offence, with a maximum penalty of 10 penalty units, if a person who is in charge of development on a development site that is 0.3 hectares or less and the person does not install and maintain on the site erosion and sediment control measures approved by a building certifier.

Clause 57 – Noise zones, noise standards and conditions, schedule 2, table 2.3, new item 21

This clause inserts ‘development’ and applicable noise conditions into Part 2.3, table 2.3, new item 21.

Clause 51 – Dictionary, note 3, new bullet
This clause inserts a new dot point ‘development’ in note 3 of the Dictionary.