

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Protection of the Environment Operations Act 1997* (the **principal Act**) to enable the Environment Protection Authority (the **EPA**) to establish programs to monitor the impact on the environment and human health of activities or works authorised or controlled by environment protection licences issued under the principal Act, including pollution resulting from those activities or works, and to recover the costs of those programs from licence holders.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

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Protection of the Environment Operations Amendment (Environmental Monitoring) Bill 2010

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Schedule 1 Amendment of Protection of the Environment Operations Act 1997

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Schedule 1 [3] inserts Part 9.3C into the principal Act. Under the proposed Part, the EPA may, on its own initiative, and must, at the direction of the Minister for Climate Change and the Environment, investigate the need for a program (referred to in the proposed Part as an **environmental monitoring program**) to monitor the impact on the environment and human health of activities or works authorised or controlled by licences, including pollution resulting from those activities or works. After completing such an investigation, the EPA may develop and implement an environmental monitoring program if it is satisfied that such a program is required. The EPA may arrange for a person or body to exercise the EPA's functions in relation to environmental monitoring programs on behalf of the EPA. The EPA is to obtain, and take into consideration, advice from one or more independent persons or bodies with relevant technical and health expertise as to the cost effectiveness of any environmental monitoring program.

The regulations may require holders of environment protection licences to pay a contribution (referred to in the proposed Part as an **environmental monitoring levy**) towards the costs of an environmental monitoring program. The amount of the levy, or how it is to be calculated, will be set out in the regulations.

An Environmental Monitoring Fund (the **Fund**) is to be established in the Special Deposits Account, which will be managed by the EPA. The environmental monitoring levies collected from licence holders will be paid into the Fund and the costs of the environmental monitoring programs will be paid out of the Fund.

Schedule 1 [1] and [2] enable the EPA to impose conditions on environment protection licences for the purposes of environmental monitoring programs.