



New South Wales

Protection of the Environment Administration Amendment (Environmental Education) Bill 1998

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 Administration Act 1991* as follows:

- (a) to establish the New South Wales Council on Environmental Education (the **Council**) and to provide for its membership and functions,
- (b) to dissolve the Environmental Education Committee,
- (c) to make other amendments of a minor or consequential nature.

The Bill also amends the *Freedom of Information (General) Regulation 1995* consequentially.

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.

Clause 3 is a formal provision giving effect to the amendments to the *Protection of the Environment Administration Act 1991* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the consequential amendment of the *Freedom of Information (General) Regulation 1995* set out in Schedule 2.

Schedule 1 Amendment of Protection of the Environment Administration Act 1991

Schedule 1 [8] inserts a definition of *Council* for the purposes of the Act.

Schedule 1 [9] omits existing provisions relating to the Environmental Education Committee (which is to be dissolved by the proposed Act) and inserts a new Division 3 in Part 6 of the Act relating to the Council. The Division contains the following provisions:

- (a) proposed section 26 which establishes the Council,
- (b) proposed section 27 which provides for the functions of the Council which include:
 - (i) advising the Government on key issues, trends and research requirements relating to environmental education, and
 - (ii) co-ordinating the preparation, and monitoring and reporting on the implementation, of the Government's 3-year plans for environmental education,
- (c) proposed section 28 which provides for the membership of the Council.
- (d) proposed section 28A which makes it clear that the proposed Division does not affect the operation of the *Education Act 1990* or the *Technical and Further Education Commission Act 1990*.

Schedule 1 [1], [7] and [10]–[15] make consequential amendments.

Schedule 1 [16]–[18] make amendments of a savings or transitional nature. Those amendments contain a provision dissolving the Environmental Education Committee.

Protection of the Environment Administration Amendment (Environmental Education) Bill
1998

Explanatory note

Schedule 1 [2]–[6] contain minor amendments consequent on the enactment of the *Protection of the Environment Operations Act 1997*.

**Schedule 2 Consequential amendment of Freedom of
Information (General) Regulation 1995**

Schedule 2 replaces the reference to the Environmental Education Committee in the Regulation with a reference to the Council.



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New South Wales

Protection of the Environment Administration Amendment (Environmental Education) Bill 1998

No , 1998

A Bill for

An Act to amend the *Protection of the Environment Administration Act 1991* to establish the New South Wales Council on Environmental Education and to define its functions; to amend the *Freedom of Information (General) Regulation 1995* consequentially; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Protection of the Environment Administration Amendment (Environmental Education) Act 1998*.

2 Commencement

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- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 1 [2]–[6] commence on the date of assent to this Act or the commencement of section 217 (2) of the *Protection of the Environment Operations Act 1997*, whichever is the later.

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3 Amendment of Protection of the Environment Administration Act 1991 No 60

The *Protection of the Environment Administration Act 1991* is amended as set out in Schedule 1.

4 Consequential amendment of Freedom of Information (General) Regulation 1995

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The *Freedom of Information (General) Regulation 1995* is amended as set out in Schedule 2.

**Schedule 1 Amendment of Protection of the
Environment Administration Act 1991**

(Section 3)

[1] Section 10 State of the environment reports

Insert after section 10 (3) (e):

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- (f) a statement on the performance of environmental
education programs in the State as referred to in
section 27 (1) (g).

[2] Section 13 Ministerial control

Omit "or approve of the institution of" from section 13 (2) (c).

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[3] Section 16 Functions of Board

Omit "consent to the institution of" from section 16 (d).
Insert instead "institute".

[4] Section 17 Environmental Counsel to Board

Omit "consent to the institution of" from section 17 (4).
Insert instead "institute".

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[5] Section 17 (6)

Omit "consent to the institution of" where firstly occurring.
Insert instead "institute".

[6] Section 17 (6)

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Omit ", and a member of the staff of the Authority may not be
authorised under the environment protection legislation to consent to
the institution of those proceedings".

[7] Part 6, heading

Insert ", Council" after "Forum".

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[8] Section 22 Definitions

Omit the definition of *Education Committee*.

Insert instead:

Council means the New South Wales Council on
Environmental Education established under Division 3. 5

[9] Part 6, Division 3

Omit the Division. Insert instead:

**Division 3 New South Wales Council on Environmental
Education**

26 Establishment of Council 10

There is established by this Act the New South Wales
Council on Environmental Education.

27 Functions of Council

- (1) The Council has the following functions:
- (a) to advise the Government on key issues, trends 15
and research requirements relating to
environmental education.
 - (b) to co-ordinate the preparation of State-wide 3-year
plans for environmental education (referred to in
this Division as *environmental education plans*) 20
that:
 - (i) describe the proposed contributions of
individual public authorities (other than
local government authorities), the local
government sector, community 25
organisations and industry to environmental
education, and
 - (ii) set out performance indicators for those
contributions.

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| (c) | to consult with a wide range of interested community groups in the development of environmental education plans (for example, organisations of parents, organisations concerned with the protection of the environment, industry bodies, professional associations and organisations representing ethnic communities or Aboriginal persons and Torres Strait Islanders), | 5 |
| (d) | if necessary, to establish working groups that are to advise the Council on key issues, or the special needs of groups in the community, relating to environmental education, | 10 |
| (e) | to submit draft environmental education plans, through both the Minister and the Minister for Education and Training, to the Government for consideration, and in doing so to report on issues raised during the consultation process referred to in paragraph (c), | 15 |
| (f) | to monitor progress on the implementation of environmental education plans against the performance indicators set out in the plans, | 20 |
| (g) | to prepare statements on the performance of environmental education programs in the State for inclusion in the reports on the state of the environment required under section 10. | 25 |
| (2) | No later than 6 months after the substitution of this section by the <i>Protection of the Environment Administration Amendment (Environmental Education) Act 1998</i> , the Council is to publish a discussion paper setting out the process to be followed for developing environmental education plans. | 30 |
| (3) | The first environmental education plan is to be submitted to the Government no later than one year after that substitution. | |
| (4) | The first statement under subsection (1) (g) is to be included in the report on the state of the environment that is first submitted after that substitution. | 35 |
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28 Membership and procedure of Council

- (1) The members of the Council are to be appointed by the Minister following consultation with the Minister for Education and Training.
- (2) The Council is to consist of the following 11 members: 5
 - (a) a representative of the Authority, who is to be the Chairperson of the Council,
 - (b) a representative of government departments and agencies within the administration of the Minister,
 - (c) two representatives of government departments and agencies within the administration of the Minister for Education and Training, one of whom is to be from the TAFE Commission, 10
 - (d) a representative of government departments and agencies within the administration of the Minister for Urban Affairs and Planning, 15
 - (e) a representative of government departments and agencies within the administration of the Minister for Agriculture and the Minister for Land and Water Conservation, 20
 - (f) a representative of community-based organisations concerned with the protection of the environment chosen from a panel of nominees provided to the Minister by the Nature Conservation Council of New South Wales, 25
 - (g) a representative of professional organisations concerned with environmental education chosen from a panel of nominees provided to the Minister by the Association for Environmental Education or by the Australian Association for Environmental Education Incorporated, or by any other body that in the opinion of the Minister is a professional organisation concerned with environmental education, 30

- (h) a representative of local government authorities or associations chosen from a panel of nominees provided to the Minister by the Local Government and Shires Associations of New South Wales,
 - (i) a representative of industry chosen from panels of nominees provided to the Minister by peak industry and employer organisations, 5
 - (j) a representative of universities in the State chosen from a panel of nominees provided to the Minister by the New South Wales Vice-Chancellors' Conference or by any other body that in the opinion of the Minister has replaced the Conference. 10
- (3) The Minister is to cause public notice to be given of the intention to call for nominations from the bodies referred to in subsection (2) (f), (g), (h), (i) and (j). 15
- (4) If a panel of nominees from which a member is to be chosen for appointment is not provided within the time and in the manner directed by the Minister, the Minister may appoint a person to be a member instead of the person required to be chosen for appointment from a panel so provided. A person so appointed is taken to have been duly nominated. 20
- (5) Schedule 2 has effect with respect to the members and procedure of the Council. 25

28A Relationship with other Acts

Nothing in this Division affects the operation of the *Education Act 1990* or the *Technical and Further Education Commission Act 1990*.

[10] Section 35 Personal liability of members etc 30

Omit "Environmental Education Committee" from section 35 (2).
Insert instead "New South Wales Council on Environmental Education".

[11] Schedule 2, heading

Omit "Education Committee".
Insert instead "Council".

[12] Schedule 2, clause 1

Omit "Education Committee" from the definition of *advisory body*. 5
Insert instead "Council".

[13] Schedule 2, clause 1

Omit the definition of *Education Committee*.
Insert instead:

Council means the New South Wales Council on 10
Environmental Education established under Part 6.

[14] Schedule 2, clauses 2 (1), 3 and 6 (2)

Omit "Education Committee" wherever occurring.
Insert instead "Council".

[15] Schedule 2, clause 4 15

Omit the clause. Insert instead:

4 Terms of office

- (1) In this clause, *member* does not include an ex-officio member.
- (2) Subject to this Schedule: 20
 - (a) a member of the Council holds office for such period (not exceeding 3 years), and
 - (b) a member (other than a member of the Council) holds office for such period (not exceeding 2 years), 25

as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

[16] Schedule 4, Savings, transitional and other provisions

Omit clause 1 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

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this Act

*Protection of the Environment Administration
Amendment (Environmental Education) Act 1998*

[17] Schedule 4, clause 1 (2)

Omit "this Act". Insert instead "the Act concerned".

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[18] Schedule 4, Part 3

Insert after Part 2:

**Part 3 Provisions consequent on enactment of
Protection of the Environment
Administration Amendment (Environmental
Education) Act 1998**

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8 Dissolution of Environmental Education Committee

- (1) The Environmental Education Committee established under Part 6 is dissolved.

- (2) A person who, immediately before the dissolution of the Environmental Education Committee, held office as a member of the Committee:

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(a) ceases to hold that office, and

(b) is not entitled to any remuneration or compensation because of the loss of that office.

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- (3) On the dissolution of the Environmental Education Committee, the assets, rights, liabilities and obligations of the Committee become the assets, rights, liabilities and obligations of the Authority.

**Schedule 2 Consequential amendment of
Freedom of Information (General)
Regulation 1995**

(Section 4)

Schedule 3 Public authorities

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Omit the matter relating to the Environmental Education Committee
from Part 3.

Insert in alphabetical order in that Part:

New South Wales Council on
Environmental Education

Environment Protection Authority

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