



New South Wales

Protection of the Environment Administration Amendment (Environmental Education) Act 1998 No 167

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New South Wales

Protection of the Environment Administration Amendment (Environmental Education) Act 1998 No 167

Act No 167, 1998

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. [Assented to 14 December 1998]

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

- (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.

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

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):

- (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).

[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".

[5] Section 17 (6)

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

[6] Section 17 (6)

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**”.

[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.

[9] Part 6, Division 3

Omit the Division. Insert instead:

Division 3 New South Wales Council on Environmental Education

26 Establishment of Council

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 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*) that:
 - (i) describe the proposed contributions of individual public authorities (other than local government authorities), the local government sector, community organisations and industry to environmental education, and
 - (ii) set out performance indicators for those contributions to ensure those contributions meet the specific needs of the community for environmental education,

- (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),
 - (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,
 - (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),
 - (f) to monitor progress on the implementation of environmental education plans against the performance indicators set out in the plans,
 - (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,
 - (h) to prepare advisory papers for environmental education providers to provide guidance so that their products, services and programs assist in furthering the principles of ecologically sustainable development and in meeting the cultural and other relevant needs of the community in relation to environmental education.
- (2) No later than 6 months after the substitution of this section by the *Protection of the Environment Administration Amendment (Environmental Education)*

Act 1998 (referred to in this section as the ***substitution date***), the Council is to publish a discussion paper setting out:

- (a) the process to be followed for developing environmental education plans, and
 - (b) an outline of the proposed contents and structure of environmental education plans.
- (3) The first environmental education plan is to be submitted to the Government no later than one year after the substitution date.
- (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 the substitution date.
- (5) An environmental education plan is to be tabled in each House of Parliament as soon as practicable after its submission to the Government.

28 Membership and procedure of Council

- (1) The Council is to consist of an independent Chairperson, and eleven other members chosen from the categories referred to in subsection (5) (a)–(i). Those eleven other members are to be appointed by the Minister following consultation with the Minister for Education and Training.
- (2) The Chairperson is to provide strategic leadership, vision and corporate governance to the Council in the exercise of its functions.
- (3) The Chairperson is to possess relevant tertiary qualifications and have knowledge, skills or experience in 2 or more of the following:
- (a) environmental education,
 - (b) environmental sciences,
 - (c) education program planning,

- (d) working with government departments and agencies and community and business groups,
 - (e) public relations and promotion,
 - (f) strong communication and interpersonal skills,
 - (g) capacity to equitably involve all relevant stakeholders,
 - (h) demonstrated skills in dealing with the media.
- (4) The Chairperson is to be appointed by the Minister as follows:
- (a) the Minister is to make a public call for nominations for the office of Chairperson,
 - (b) the Chairperson is to be selected on merit by a panel chosen by the Minister and consisting of the following:
 - (i) a senior officer of the Department of Education,
 - (ii) a senior officer of the Authority,
 - (iii) a person holding a senior university appointment in the field of environmental education,
 - (iv) an independent person to represent community interests.
- (5) The other eleven members of the Council are to be as follows:
- (a) two representatives of government departments and agencies within the administration of the Minister, one of whom is to be from the Authority,
 - (b) 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,
 - (c) a representative of government departments and agencies within the administration of the Minister for Urban Affairs and Planning,

- (d) a representative of government departments and agencies within the administration of the Minister for Agriculture and the Minister for Land and Water Conservation,
 - (e) 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,
 - (f) 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 a successor of either of those bodies,
 - (g) 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,
 - (h) a representative of industry chosen from panels of nominees provided to the Minister by peak industry and employer organisations,
 - (i) 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.
- (6) 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) (e), (f), (g), (h) and (i).
- (7) 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.

- (8) The members of the Council are to elect one of their members to be the Chairperson of the Council. The Minister may remove a person from office as Chairperson of the Council at any time.
- (9) A member of the Council elected as Chairperson holds office as such for a period of 3 years. A member is eligible to be re-elected as Chairperson but is not eligible to serve more than 2 consecutive terms as Chairperson of the Council.
- (10) Schedule 2 has effect with respect to the members and procedure of the Council.

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*.

28B Review of Council's functions

- (1) The Minister is to conduct a review of the effectiveness with which the Council exercises its functions.
- (2) The review is to be conducted as soon as possible after the period of 3 years from the commencement of this section.
- (3) The Minister is to cause a report of the results of that review to be tabled in each House of Parliament within 12 months after the end of the period of 3 years.

28C Scope of "environmental education"

For the purposes of this Division, *environmental education* is a process that:

- (a) seeks to give a person an understanding of the inter-relationship between the elements of the total environment, a positive attitude towards it and the skills that will enable the person to actively promote its well-being, and

Schedule 1 Amendment of Protection of the Environment Administration Act 1991

- (b) takes into account the particular needs of the person being educated, such as his or her age, cultural background and ability to learn, and
- (c) is a lifelong learning experience that integrates the activities of environmental education providers (such as, schools, TAFE establishments, universities, local government authorities, community organisations and industry), and
- (d) includes any process by which a person may be educated (for example, a course or a media awareness program).

[10] Section 35 Personal liability of members etc

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*.
Insert instead "Council".

[13] Schedule 2, clause 1

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

Council means the New South Wales Council on 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 2A

Insert after clause 2:

2A Chairperson of Council

A person elected as Chairperson of the Council vacates office as Chairperson if the person:

- (a) is removed from that office by the Minister, or
- (b) resigns that office by instrument in writing addressed to the Minister, or
- (c) ceases to be a member of the Council.

[16] Schedule 2, clause 4

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

[17] 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:

this Act

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

[18] Schedule 4, clause 1 (2)

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

[19] 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**

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:
 - (a) ceases to hold that office, and
 - (b) is not entitled to any remuneration or compensation because of the loss of that office.
- (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

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

[Minister's second reading speech made in—

Legislative Assembly on 16 September 1998

Legislative Council on 3 December 1998]

BY AUTHORITY