

c2022-017A
SFF--Shooters, Fishers and Farmers Party

LEGISLATIVE COUNCIL

Environment Legislation Amendment Bill 2021

First print

Proposed amendments

No. 1 **Fit and proper persons**

Page 29, Schedule 5. Insert after line 21—

[24A] Section 83(5)

Omit the subsection. Insert instead—

(5) In this section—

former director, of a corporation or of a related body corporate, means a person who was a director of the corporation or the related body corporate at any time during the previous 3 years.

other relevant legislation means any legislation declared by the regulations to be other relevant legislation for the purposes of this section.

(6) For the purposes of subsection (5), definition of *other relevant legislation*, the regulations may declare the following—

- (a) legislation that has been repealed, or
- (b) legislation of a place outside the State.

No. 2 **Clean-up by occupiers or polluters**

Page 29, Schedule 5[26], line 27. Omit all words on the line. Insert instead—

contributing to a pollution incident.

No. 3 **Clean-up by occupiers or polluters**

Page 29, Schedule 5[27], lines 35 to 39. Omit all words on those lines. Insert instead—

(1B) Without limiting subsection (1), in giving a clean-up notice to a person under subsection (1)(c), the appropriate regulatory authority must consider the nature and extent of the person's contribution to the incident and the clean-up actions required by the clean-up notice must be proportionate to the person's contribution.

No. 4 **Clean-up notices**

Page 30, Schedule 5[31], line 23. Omit all words on the line. Insert instead—

- (b) a former director of the corporation, but only if the former director was a director of the corporation at the time the pollution incident occurred,

No. 5 **Prevention notices**

Page 31, Schedule 5[32], line 23. Omit all words on the line. Insert instead—

- (b) a former director of the corporation, but only if the former director was a director of the corporation at the time the activity was carried out,

No. 6 **Prohibition notices**

Page 32, Schedule 5[35], line 21. Omit all words on the line. Insert instead—

- (b) a former director of the corporation, but only if the former director was a director of the corporation at the time the prohibition notice was given to the corporation under section 101,

No. 7 **False or misleading information**

Pages 33 and 34, Schedule 5[45], line 32 on page 33 to line 20 on page 34. Omit all words on those lines.

Insert instead—

- (1) A person who gives information to the EPA that the person knows is false or misleading in a material respect, or is reckless as to whether the information is false or misleading in a material respect, is guilty of an offence.
Maximum penalty—
 - (a) for a corporation—\$1,000,000, or
 - (b) for an individual—\$500,000 or imprisonment for 18 months, or both.
- (2) Proceedings for an offence against this section may be instituted only by the EPA.
- (3) Despite section 215, proceedings for an offence under subsection (1) may not be dealt with before the Local Court.
- (4) In this section—
give information includes cause or permit information to be given.
information includes a record containing information.

No. 8 **Receiving monetary benefits**

Page 34, Schedule 5[45], line 22. Insert “knowingly” after “who”.

No. 9 **Recovery of monetary benefits**

Page 37, Schedule 5[63], line 31. Insert “knowingly” after “benefits”.

No. 10 **Recovery of monetary benefits**

Page 37, Schedule 5[63], line 40. Insert “knowingly” after “person”.

No. 11 **Recovery of monetary benefits**

Page 38, Schedule 5[63], line 2. Insert “knowingly” after “benefit”.

No. 12 **Restrictions and covenants on land**

Page 40, Schedule 5[73]. Insert after line 18—

- (4A) The EPA must not impose a restriction or covenant under this section unless the EPA has—
 - (a) given the owner of the land written notice that—
 - (i) includes details of the proposed restriction or covenant, and
 - (ii) invites submissions to the EPA about the proposed restriction or covenant and specifies a day (the *closing date*), being a day not

less than 28 days after the day notice is given, by which
submissions may be made to the EPA, and

- (b) considered any submissions received by the EPA on or before the
closing date.