

INQUIRY INTO ENVIRONMENTAL PLANNING INSTRUMENTS (SEPPs)

Organisation: Scrutiny of Acts and Regulations Committee - Parliament of
Victoria

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4 May 2021

Hon Mick Veitch MLC
Committee Chair
Legislative Council Regulation Committee
Parliament House
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By email: Regulation.Committee@parliament.nsw.gov.au

Dear Mr ~~Veitch~~ *Mick*

Inquiry into environment planning instruments (SEPPs) – Submission

Thank you for the opportunity to make a submission to the NSW Legislative Council's Regulation Committee inquiry into environmental planning instruments (SEPPs).

The Scrutiny of Acts and Regulations Committee (the **Committee**) has no formal comments to make with respect to the Terms of Reference. However, the Committee appreciates the opportunity to provide the following background material for your general assistance in understanding Victorian processes.

In Victoria, state environment protection policies (**SEPPs**) are made pursuant to section 16 of the *Environment Protection Act 1970* (Vic) (the **EP Act**). Section 16 gives the Governor in Council broad powers to make SEPPs on the recommendation of the Environment Protection Authority (the **Authority**) with respect to:

- the environment generally or in any portion or portions of Victoria or with respect to any element or elements or segment or segments of the environment – s 16(1);
- the removal, disposal or reduction of litter in the environment – s 16(1B); and
- the re-use and recycling of substances – s 16(1C).

Pursuant to clause 38 of Schedule 3 to the Subordinate Legislation (Legislative Instruments) Regulations 2011, SEPPs made under sections 16(1), 16(1B) or 16(1C) are exempt legislative instruments. Exempt legislative instruments are exempt from the operation of the following provisions of the *Subordinate Legislation Act 1994* (Vic) (the **SL Act**):

- Part 2A – Preparation of legislative instruments;
- Part 5A – Scrutiny, suspension and disallowance of legislative instruments;
- section 16B – Legislative instruments and related documents to be laid before Parliament;
- section 16C – Legislative instrument and accompanying documents to be sent to Scrutiny Committee;
- section 16E – Compliance with this Part and requirements of authorising Act—tabling in Parliament; and
- section 16F – Instrument maker to ensure consolidated version of legislative instrument is available.

