

Environmental Protection and Other Legislation Amendment Bill 2022

Submission No: 4
Submitted by: Jason Hudson
Publication: Making the submission and your name public
Attachments: No attachment

Submitter Comments:

I have only looked at the sections that will impact Local Government in relation to its compliance activities. In general, I am supportive of the amendments Clause 4 and 5 – No issues with the proposed amendments Clause 6 to Clause 20 – No comment as they do not impact local government functions as an administering authority do not impact Local Government compliance activities Clause 21 – No issues with proposed amendments. Clause 22 to clause 32 – No issues as does not impact current delegated responsibilities given to Local Government Clause 33 and 34 – No issues with the proposed amendments. They appear to provide greater clarity on timeframes

Clause 35 – No Issues with the proposed amendment Clause 36 to Clause 45 - No issues with the proposed amendment. It provides greater clarity and ultimately provides for better environmental outcomes. Clause 46 to clause 52 - No issues with the proposed amendments Clause 53 to Clause 81 - No issues with the proposed amendment. Clause 82 to clause 84 – No issues with proposed amendments. Creates better clarity and allows extension of power to include repair and clean-up a function local government has lacked for years. This will be a welcome addition to the enforcement tools available. Clause 84 to clause 91 – No issues as the proposed amendments are not part of the delegated responsibilities given to local government in relation to enforcement as an administering authority. Clause 92 to clause 97 – no issues with the proposed amendments Clause 98- Clause 100 - no issues with the amendment. These amendments provide greater protection for Officers and allows better evidence gathering in relation to obtaining information to determine if offences have occurred. Clause 101 – This is also a great clause to assist in protecting authorised persons in performing their duties. The powers to obtain criminal history checks is extended to the Chief Executive. It is unclear if this power extends to the Chief Executive Officer of the Local Government. This would be just as valuable to Local Government as it is to the State. If this is not extended to Local Government, then I feel that a big opportunity is being missed and sends a message that Local Government Officers safety is not as important as that of State Officers. Clause 102 – No issues with the proposed amendments. This is a good initiative and will assist Officers in performing their duties and responsibilities as well as assisting with their safety. Clause 103 to clause 125 No issues with the proposed amendments Clause 126 to clause 127 no issues with the proposed amendments Clause 128 to clause 134 no issues with the proposed amendments Clause 136 to clause 144 no comments provided in relation to these clauses Clause 145 – no issues with proposed amendments

Submitter Recommendations:

The powers to obtain criminal history checks is extended to the Chief Executive. It is unclear if this power extends to the Chief Executive Officer of the Local Government. This would be just as valuable to Local Government as it is to the State. If this is not extended to Local Government, then I feel that a big opportunity is being missed and sends a message that Local Government Officers safety is not as important as that of State Officers.