

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 9 December 1986

ENVIRONMENT BILL

Proposed Amendments

Hon. P. B. GOFF, in Committee, to move the following amendments:

Clause 2: To omit paragraph (c) of the definition of the term "environment", and substitute the following paragraph:

(c) The social, economic, aesthetic, and cultural conditions which affect the environment or which are affected by changes to the environment:

Clause 8: To omit subclause (3) (page 7, lines 18 to 30), and substitute the following subclauses:

(3) If—

(a) A vacancy occurs while Parliament is not in session or exists at the close of a session; and

(b) The House of Representatives has not recommended an appointment to fill the vacancy—

the vacancy, at any time before the commencement of the next ensuing session of Parliament, may be filled by the appointment of a successor by the Governor-General in Council.

(4) Any appointment made under **subsection (3)** of this section shall lapse and the office shall again become vacant unless, before the end of the 24th sitting day of the House of Representatives following the date of the appointment, the House confirms the appointment.

Clause 11: To omit this clause, and substitute the following clauses:

11. Staff—(1) Subject to the provisions of this section, the Commissioner may appoint such officers and employees as are necessary to provide technical and administrative services to the Commissioner and to enable the Commissioner to exercise and perform the Commissioner's powers and functions under this Act.

(2) The number of persons that may be appointed under this section, whether generally or in respect of any specified duties or class of duties, and the salaries and terms and conditions of service of such persons, shall be such as are determined and

approved from time to time by the Speaker of the House of Representatives.

(3) Every person appointed to the office of the Commissioner before the commencement of this Act shall be deemed for the purposes of appointment to any vacancy in the State services to be an officer of the Public Service, and shall have the same rights of appeal in respect of any promotion or appointment in the State services as if that person had remained in continuous service as an officer of the Public Service.

11A. Secondment of State servants to office of Commissioner—Any employee of any branch of the State services may be seconded to the office of the Commissioner on such terms and conditions as are agreed between the branch of the State services and the Commissioner.

Clause 13: To omit the heading, and substitute the heading “Staff may be made available to select committees”.

To insert, after the expression “section 11”, the expression “or section 11A”.

Clause 14: To omit this clause, and substitute the following clause:

14. Superannuation—For the purposes of the Government Superannuation Fund Act 1956, service as the Commissioner or as an officer or employee appointed or seconded under section 11 or section 11A of this Act shall be deemed to be Government service.

Clause 16 (a): To omit the words “and supporting” (page 11, lines 36 and 37), and substitute the word “or”.

Clause 28 (c) (v): To omit the words “and transport” (page 21, lines 26 and 27), and substitute the words “transport, and disposal”.

EXPLANATORY NOTE

Clause 2: The amendment makes it clear that the term “environment” includes the social, economic, aesthetic, and cultural conditions which affect the environment or which are affected by changes to the environment.

Clause 8: The proposed amendment makes it clear that appointment by the Governor-General in Council under this clause may only occur if the House of Representatives has not recommended an appointment to fill the vacancy before the close of a session of Parliament.

Clause 11: Under the present clause 11, staff are to be appointed under the State Services Act 1962.

Under the new clause the Commissioner is to appoint staff.

The new clause also provides as follows:

The number of persons that may be appointed, whether generally or in respect of any specified duties or class of duties, and the salaries and terms and conditions of service of such persons, are to be determined and approved from time to time by the Speaker of the House of Representatives.

Every person appointed to the office of the Commissioner before the commencement of the Bill is to be deemed for the purposes of appointment to any vacancy in the State services to be an officer of the Public Service, and is to have the same rights of appeal in respect of any promotion or appointment in the State services as if that person had remained in continuous service as an officer of the Public Service.

The new *clause 11A* provides that any employee of any branch of the State services may be seconded to the office of the Commissioner on such terms and

conditions as are agreed between the branch of the State services and the Commissioner.

Clause 13: The heading is changed to a more appropriate one.

In addition the amendment allows seconded staff to be made available to select committees.

Clause 14: The new clause provides that for the purposes of the Government Superannuation Fund Act 1956, service as the Commissioner or as an officer or employee appointed or seconded under *clause 11* or *clause 11A* is to be deemed to be Government service.

Clause 16 (a): Under this provision, the Commissioner is to have regard to the maintenance and restoration of ecosystems of importance, especially those supporting habitats and supporting rare, threatened, or endangered species of flora or fauna.

The amendment makes it clear that the provision applies to all habitats of importance and not just those supporting rare, threatened, or endangered species of flora or fauna.

Clause 28 (c) (v): The amendment provides that it is to be a function of the Ministry for the Environment to provide advice on the disposal of hazardous substances as well as the manufacture, storage, and transport of such substances.