

**Senate Standing Committee on Environment and Communications**  
**Legislation Committee**  
Answers to questions on notice  
**Environment portfolio**

**Question No:** 189  
**Hearing:** Additional Estimates  
**Outcome:** Corporate  
**Programme:** Corporate Strategies Division (CSD)  
**Topic:** Statutory Review Provisions  
**Hansard Page:** N/A  
**Question Date:** 19 February 2016  
**Question Type:** Written

**Senator Ludwig asked:**

Please list all current legislation, covered by the department's portfolio, which contain a statutory review provision/s. For each, please provide:

1. What work has been done towards preparing for the review? If none, why not?
2. Please provide a schedule or a workplan for the review
3. When did/will this work begin?
4. When is/was the review due to commence?
5. What is the expected report date?
6. Who is the minister responsible for the review?
7. What department is responsible for the review?
8. List the specific clauses or legislation under review caused by the statutory provision.
9. List the terms of reference.
10. What is the scope of the review.
11. Who is conducting the review. How were they selected? What are the legislated obligation for the selection of the person to conduct the review?
12. What is the budgeted, projected or expected costs of the review?
13. When was the Minister briefed on this matter?
14. What decision points are upcoming for the minister on this matter?
15. List the number of officers, and their classification level, involved in conducting the review
16. Will the the report will be tabled in parliament or made public. If so, when?

**Answer:**

***Environmental Protection and Biodiversity Conservation Act 1999***

*Response also includes the Director of National Parks.*

1. None. Section 522A of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires an independent review of the operation of the Act to be undertaken within 10 years of the commencement of the Act, and at intervals of not more than 10 years thereafter. The first independent review of the EPBC Act was finalised in October 2009. Therefore, the second review is not due for completion until 2019.
2. Not applicable.

3. Not applicable.
4. The review must be undertaken not more than 10 years after October 2009.
5. 2019.
6. Minister for the Environment.
7. Department of the Environment.
8. EPBC Act.
9. Not applicable.
10. Section 522A requires a review to be undertaken of the operation of the EPBC Act and the extent to which the objects of the Act have been achieved.
11. Not applicable.
12. To be determined.
13. Not applicable.
14. Not applicable.
15. Not applicable.
16. Not applicable.

***National Environment Protection Council Act 1994***

1. *The National Environment Protection Council Act 1994* is due for review in the year 2017.
2. Not applicable.
3. 2017.
4. As soon as possible after the end of every five year period.
5. 2017.
6. Minister for the Environment.
7. Department of the Environment.
8. *National Environment Protection Council Act 1994*.
9. Not applicable.
10. Not applicable.
11. Not applicable.
12. Not applicable.
13. Not applicable.
14. Not applicable.
15. Not applicable.
16. Not applicable.

### ***Fuel Quality Standards Act 2000***

1. An independent review of the *Fuel Quality Standards Act 2000* has been completed and will be released for public consultation shortly.
2. The report is scheduled to be presented to Government in April 2016.
3. Not applicable.
4. Not applicable.
5. April 2016.
6. Minister for the Environment.
7. Department of the Environment.
8. *Fuel Quality Standards Act 2000*.
9. Terms of reference are available at:  
<http://www.environment.gov.au/system/files/pages/1275cccc-9576-4301-a1a1-1c86986a51ca/files/review-tor.pdf>
10. The whole act.
11. Marsden Jacobs Associates were selected by tender. See subsection 72(4) of the Fuel Quality Standards Act 2000.
12. \$429,500.
13. 2015 and 2016.
14. None.
15. External consultants used.
16. It is expected that the report will be tabled before 23 June 2016.

### ***Product Stewardship Act 2011***

1. None. Review not scheduled to commence until August 2016.
2. Not applicable.
3. Not applicable.
4. Legislation requires that the review commence as soon as possible after the fifth anniversary of the commencement of the Act, which will be August 2016.
5. To be determined.
6. Minister for the Environment.
7. Department of the Environment.
8. *Product Stewardship Act 2011*.
9. To be determined.
10. The operation of the *Product Stewardship Act 2011*.
11. To be determined.
12. To be determined.
13. Not applicable.

14. Minister must cause the review to be undertaken after August 2016.
15. Not applicable.
16. The legislation requires that the Minister table the report in Parliament within 15 sitting days of receiving it.

***Product Stewardship (Oil) Act 2000***

1. None. Review not scheduled to commence until late 2016.
2. Not applicable.
3. Not applicable.
4. Legislation requires that the *Product Stewardship (Oil) Act 2000* be reviewed every four years. The last review was completed in 2013.
5. 2017.
6. Minister for the Environment.
7. Department of the Environment.
8. *Product Stewardship (Oil) Act 2000*.
9. To be determined.
10. The operation of the *Product Stewardship (Oil) Act 2000*, relevant provisions of customs and excise legislation, and the extent to which the objects of the Act have been achieved.
11. To be determined, must be undertaken by two or more persons who possess appropriate qualifications to undertake the review, and include one or more persons who are not APS employees.
12. To be determined.
13. Not applicable.
14. Appointment of reviewer, late 2016.
15. To be determined.
16. The legislation requires that the Minister table the report in Parliament within 15 sitting days of receiving it.

***National Greenhouse and Energy Reporting Act 2007***

1. None. Review not due until 31 December 2018.
2. Not applicable.
3. Not applicable.
4. 30 June 2016.
5. 31 December 2018.
6. Minister for the Environment.
7. Department of the Environment.
8. Section 76A of the *National Greenhouse and Energy Reporting Act 2007*.

9. The terms of reference are set by the legislation. The review must include public consultation and must be tabled in Parliament.
10. The scope of the review is set by the legislation (Review of operation of the *National Greenhouse and Energy Reporting Act 2007*).
11. Climate Change Authority.
12. Nil.
13. The Minister will be briefed closer to the date.
14. To be determined.
15. To be determined.
16. Yes - within 15 sitting days of the conclusion of the review.

#### ***Clean Energy Finance Corporation Act 2012***

1. None. Review cannot commence until after 1 July 2016.
2. Not applicable.
3. Not applicable.
4. As soon as practicable after 1 July 2016.
5. To be determined.
6. Minister for the Environment.
7. Department of the Environment.
8. Section 81 of the *Clean Energy Finance Corporation Act 2012*.
9. Must include public consultation. Must be tabled in Parliament
10. Review of operation of the *Clean Energy Finance Corporation Act 2012*. Must include a review of the effectiveness of the Corporation in facilitating increased flows of finance into the clean energy sector.
11. To be determined.
12. To be determined.
13. Not applicable.
14. Not applicable.
15. To be determined.
16. Yes - within 15 sitting days of the conclusion of the review.

#### ***Carbon Credits (Carbon Farming Initiative) Act 2011***

1. The review is scheduled for completion by 31 December 2017. Planning will commence nearer the time.
2. Not applicable.
3. To be determined.
4. No legislated commencement date.

5. 31 December 2017.
6. Minister for the Environment.
7. The Climate Change Authority.
8. Section 306 of the *Carbon Credits (Carbon Farming Initiative) Act 2011*.
9. Not applicable.
10. To be determined.
11. The Climate Change Authority.
12. To be determined.
13. Not applicable.
14. Not applicable.
15. To be determined.
16. 31 December 2017.

#### ***Dent Island Lightstation Heritage Management Plan 2013***

1. No work done towards preparing a review at this time. However, significant on-the-ground work has occurred to maintain the heritage values of the Lightstation.
2. To be determined.
3. Not applicable.
4. Review due December 2018.
5. To be determined.
6. Minister for the Environment.
7. The Great Barrier Reef Marine Park Authority.
8. *Dent Island Lightstation Heritage Management Plan 2013*.
9. No terms of reference currently drafted.
10. As per Clause 341X of the EPBC Act. The review must (a) assess whether the plan is consistent with the Commonwealth Heritage management principles in force at the time; and (b) assess whether the plan is effective in protecting and conserving the Commonwealth Heritage values of the place; and (c) make recommendations for the improved protection of the Commonwealth Heritage values of the place.
11. GBRMPA Field Management is responsible for the review. Field Management are also responsible for implementation of the Heritage Plans.
12. Unknown.
13. Nil.
14. Nil.
15. When a review is undertaken, one APS6 will have responsibility for the review.
16. The reviewed Plan will be registered as a legislative instrument and will be publically available.

***Lady Elliot Island Lightstation Heritage Management Plan 2012***

1. No work has been done towards preparing a review at this time. However, significant on-the-ground work has occurred to maintain the heritage values of the Lightstation.
2. To be determined.
3. Not applicable.
4. Review due March 2017.
5. Not applicable.
6. Minister for the Environment.
7. The Great Barrier Reef Marine Park Authority.
8. *Lady Elliot Island Lightstation Heritage Management Plan 2012*.
9. No terms of reference currently drafted.
10. As per Clause 341X of the EPBC Act. The review must (a) assess whether the plan is consistent with the Commonwealth Heritage management principles in force at the time; and (b) assess whether the plan is effective in protecting and conserving the Commonwealth Heritage values of the place; and (c) make recommendations for the improved protection of the Commonwealth Heritage values of the place.
11. GBRMPA Field Management is responsible for the review. Field Management are also responsible for implementation of the Heritage Plans.
12. Unknown.
13. Nil.
14. Nil.
15. When a review is undertaken, one APS6 will have responsibility for the review.
16. The reviewed Plan will be registered as a legislative instrument and will be publically available.