

NORTHERN TERRITORY OF AUSTRALIA  
NATIONAL ENVIRONMENT PROTECTION COUNCIL  
(NORTHERN TERRITORY) AMENDMENT ACT 2004

---

Act No. 17 of 2004

---

TABLE OF PROVISIONS

Section

1. Short title
2. Principal Act
3. Interpretation
4. Powers of Council
5. Variation or revocation of measures
6. New Division
  - Division 2A – Minor variation of national environment protection measures*
  - 22A. Minor variation of measures
  - 22B. Public consultation for minor variation
  - 22C. Council to have regard to submissions etc.
7. Functions of Service Corporation
8. Leave of absence
9. Public service staff of Service Corporation
10. Staff seconded to Service Corporation
11. Application of money of Service Corporation
12. Special provisions relating to annual reports and financial statements
13. Reviews of operation of Act





# NORTHERN TERRITORY OF AUSTRALIA

---

Act No. 17 of 2004

---

## AN ACT

to amend the *National Environment Protection Council (Northern Territory) Act*

*[Assented to 15 March 2004]*

*[Second reading 26 November 2003]*

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *National Environment Protection Council (Northern Territory) Amendment Act 2004*.

**2. Principal Act**

The *National Environment Protection Council (Northern Territory) Act* is in this Act referred to as the Principal Act.

**3. Interpretation**

Section 6 of the Principal Act is amended by inserting after the definition of "member" in subsection (1) the following:

" 'Ministerial Council' means a council, comprising one or more Ministers of the Commonwealth and Ministers of one or more of the States or Territories, that includes environmental protection in its functions;

'minor variation', for a national environment protection measure, means a decision made under section 22A(1) to vary the national environment protection measure;"

*National Environment Protection Council (Northern Territory)  
Amendment Act 2004*

**4. Powers of Council**

Section 13 of the Principal Act is amended –

- (a) by omitting from paragraph (f) "bodies; and" and substituting "bodies;"
- (b) by omitting from paragraph (g) "Association." and substituting "Association; and"; and
- (c) by inserting after paragraph (g) the following:
  - "(h) direct the Service Corporation to provide assistance and support to other Ministerial Councils."

**5. Variation or revocation of measures**

Section 20 of the Principal Act is amended by inserting after subsection (4) the following:

"(5) Subsections (2), (3) and (4) do not apply to a minor variation of a national environment protection measure under Division 2A."

**6. New Division**

Part 3 of the Principal Act is amended by inserting after Division 2 the following:

***"Division 2A – Minor variation of national environment protection measures***

**"22A. Minor variation of measures**

"(1) The Council may vary a national environment protection measure if –

- (a) the variation is supported by a unanimous resolution of all of the members; and
- (b) the resolution states the variation does not involve a significant change in the effect of the national environment protection measure.

"(2) A variation under this section is a minor variation.

"(3) If the Council decides that a variation does not involve a significant change in the effect of the national environment protection measure, the Council must prepare –

- (a) a draft of the proposed variation; and

*National Environment Protection Council (Northern Territory)  
Amendment Act 2004*

- (b) a statement relating to the variation that explains –
  - (i) the reasons for the proposed variation;
  - (ii) the nature and effect of the proposed variation; and
  - (iii) the reasons why the Council is satisfied the variation is a minor variation.

**"22B. Public consultation for minor variation**

"(1) Before making a minor variation to a national environment protection measure, the Council must publish a notice –

- (a) stating how the draft of the proposed variation and the explanatory statement may be obtained; and
- (b) inviting submissions to the Council on the proposed variation or explanatory statement within a stated period.

"(2) The notice must –

- (a) be published in the Commonwealth of Australia Gazette; and
- (b) in each participating State or Territory concerned – also be published, on at least one day during the month when the Gazette notice is published, in a newspaper circulating in the State or Territory.

"(3) The period stated in the notice must end at least one month after the day on which subsection (2)(b) has been fully complied with in all participating jurisdictions.

**"22C. Council to have regard to submissions etc.**

"In making a minor variation to a national environment protection measure, the Council must have regard to –

- (a) any submissions it receives on the proposed variation or explanatory statement;
- (b) whether the measure is consistent with section 3 of the Agreement;
- (c) relevant international agreements to which Australia is a party; and
- (d) any regional environmental differences in Australia."

*National Environment Protection Council (Northern Territory)  
Amendment Act 2004*

**7. Functions of Service Corporation**

Section 36 of the Principal Act is amended –

- (a) by omitting from paragraph (a) "33; and" and substituting "33;"
- (b) by inserting after paragraph (a) the following:
  - "(aa) to provide assistance and support to other Ministerial Councils as directed by the Council; and"; and
- (c) by inserting in paragraph (b) "or (aa)" after "(a)".

**8. Leave of absence**

Section 43 of the Principal Act is amended by omitting from subsection (1) "Subject to section 87E of the *Public Service Act 1922* of the Commonwealth, the" and substituting "The".

**9. Public service staff of Service Corporation**

Section 49 of the Principal Act is amended –

- (a) by omitting from subsection (1) "appointed or employed under the *Public Service Act 1922*" and substituting "engaged under the *Public Service Act 1999*"; and
- (b) by omitting subsection (2) and substituting the following:
  - "(2) For the *Public Service Act 1999* of the Commonwealth –
  - (a) the NEPC Executive Officer and the APS employees assisting the NEPC Executive Officer together constitute a Statutory Agency; and
  - (b) the NEPC Executive Officer is the Head of the Statutory Agency."

**10. Staff seconded to Service Corporation**

Section 51 of the Principal Act is amended by omitting from subsection (1) "officers and employees of Departments of the Australian Public Service" and substituting "persons engaged under the *Public Service Act 1999* of the Commonwealth".

**11. Application of money of Service Corporation**

Section 56 of the Principal Act is amended –

- (a) by omitting "The" and substituting "(1) The"; and
- (b) by inserting after subsection (1) the following:

"(2) Subsection (1) does not prevent investment of surplus money of the Service Corporation under section 18 of the *Commonwealth Authorities and Companies Act 1997* of the Commonwealth as it applies to the Service Corporation under section 59 of the Commonwealth Act."

**12. Special provisions relating to annual reports and financial statements**

Section 59 of the Principal Act is amended –

- (a) by omitting from subsection (1) "section 63M of the *Audit Act 1901*" and substituting "section 9 of the *Commonwealth Authorities and Companies Act 1997*"; and
- (b) by omitting from subsection (2) "Commonwealth Minister under section 63M of the *Audit Act 1901*" and substituting "responsible Minister under section 9 of the *Commonwealth Authorities and Companies Act 1997*".

**13. Reviews of operation of Act**

Section 64 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) The Minister must table a report of the review in the Legislative Assembly within one year after the fifth anniversary of that commencement.

"(3) As soon as possible after the end of every 5-year period following the review under subsection (1), the Council must cause a further review of the kind set out in subsection (1) to be undertaken.

"(4) The Minister must table a report of each further review in the Legislative Assembly within one year after the end of the period to which it relates."