

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for the Environment and Heritage

Environment and Heritage Legislation Amendment Act (No.1) 2006

Proclamation

The *Environment and Heritage Legislation Amendment Act (No. 1) 2006* (the Act) amends the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to make the EPBC Act more efficient and effective, to allow for the use of more strategic approaches and to provide greater certainty in decision-making.

The table at subsection 2(1) of the Act sets out the commencement dates for the various provisions in the Act. In particular, items 2, 11, 13 and 15 of the table provide that items 1-606, 837, 839-840 and 846-869 respectively of Schedule 1 to the Act commence on a day or days to be fixed by Proclamation. However, if any of the provisions do not commence within the period of 6 months beginning on the day on which the Act received Royal Assent, they commence on the first day after the end of that period.

Royal Assent was recently provided.

The purpose of the Proclamation is to fix 1 January 2007 as the day on which items 605, 837, 839, 852 and 853 of Schedule 1 of the Act commence.

Item 605 inserts a new Chapter 5A, Part 15A into the EPBC Act which provides for a List of Overseas Places of Historic Significance to Australia. Items 837 and 839 make consequential amendments to the *Australian Heritage Council Act 2003* by expanding the functions of the Australian Heritage Council to:

- include the provision of advice on the inclusion of places in, or the removal of places from, the List of Overseas Places of Historic Significance to Australia; and
- to allow the Council to make resolutions without meeting.

The commencement of items 605, 837 and 839 on 1 January 2007 is required to facilitate the inclusion of places on the list early in 2007.

Item 852 inserts a new definition of **Protocol** in the *Environment Protection (Sea Dumping) Act 1981* (the Sea Dumping Act), and item 853 repeals Schedule 1 to the Sea Dumping Act so that references in the Sea Dumping Act to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the London Protocol) are references to the London Protocol as amended from time to time.

Amendments to the London Protocol which were sponsored by the Australian Government were recently agreed to by the contracting parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. The amendments provide for geosequestration, the storage of carbon dioxide under the seabed. The commencement of items 852 and 853 on 1 January 2007 is required to

ensure that amendments to the London Protocol would come into force for Australia as soon as they take effect on 10 February 2007.

Consultation was unnecessary for this instrument as this instrument is of a machinery nature only.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.