

Legislative Council

As passed all stages and awaiting assent.

This is an unofficial copy and is subject to correction.

South Australia

Environment Protection (Board of Authority) Amendment Bill 2008

A BILL FOR

An Act to amend the *Environment Protection Act 1993*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Environment Protection Act 1993*

- 4 Amendment of section 3—Interpretation
- 5 Amendment of section 14—Powers of Authority
- 6 Substitution of section 14A
 - 14A Chief Executive
- 7 Amendment of section 14B—Board of Authority
- 8 Amendment of section 16—Proceedings of Board
- 9 Amendment of section 19—Round-table conference

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Environment Protection (Board of Authority) Amendment Act 2008*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Environment Protection Act 1993*

4—Amendment of section 3—Interpretation

Section 3(1), definition of *Chief Executive*—delete the definition and substitute:

Chief Executive of the Authority means a person who is, for the time being, taken to be the Chief Executive of the Authority in accordance with section 14A;

5—Amendment of section 14—Powers of Authority

Section 14(b)—delete paragraph (b) and substitute:

- (b) with the approval of a Minister administering an administrative unit, make use of the services of the administrative unit's employees and of its facilities; and

6—Substitution of section 14A

Section 14A—delete the section and substitute:

14A—Chief Executive

- (1) If—
 - (a) in accordance with section 14(b), the Authority makes use of the services of an administrative unit's employees and of its facilities; and
 - (b) the Minister administering that administrative unit approves the application of this section to the position of chief executive of that administrative unit,

the person for the time being holding or acting in the position of chief executive of that administrative unit will be taken to be the Chief Executive of the Authority for the purposes of this Act.
- (2) The Chief Executive is, subject to the control and direction of the Board, responsible for giving effect to the policies and decisions of the Board.

7—Amendment of section 14B—Board of Authority

- (1) Section 14B(2)—after "members" insert:

appointed by the Governor
- (2) Section 14B(3)—delete "and the remaining members of the Board will be appointed by the Governor"
- (3) Section 14B—after subsection (3) insert:
 - (3a) 1 of the appointed members of the Board will be appointed by the Governor to be the presiding member of the Board.
 - (3b) 1 of the appointed members of the Board may be appointed by the Governor to be the deputy presiding member of the Board.

- (4) Section 14B(8)—delete "in the place of the member of whom he or she has been appointed deputy during any absence of that member" and substitute:

as a member of the Board during any period of absence of the member

8—Amendment of section 16—Proceedings of Board

- (1) Section 16(2)—delete subsections (2) and (2a) and substitute:

(2) The presiding member will preside at each meeting of the Board at which he or she is present.

(2a) If the presiding member is absent from a meeting of the Board—

(a) if a member appointed as deputy presiding member is present—that member will preside; or

(b) in any other case—an appointed member of the Board chosen by the members present at the meeting will preside.

- (2) Section 16(6)—after "Each" insert:

appointed

- (3) Section 16—after subsection (6) insert:

(6a) The Chief Executive of the Authority is not entitled to vote at a meeting of the Board.

9—Amendment of section 19—Round-table conference

Section 19(5)—delete subsection (5)