

COMMONWEALTH OF AUSTRALIA

**Environment Protection (Impact of
Proposals) Act 1974**

ORDER UNDER SECTION 6

I, SIR NINIAN MARTIN STEPHEN, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council hereby:

- (a) revoke all orders in force under section 6 of the *Environment Protection (Impact of Proposals) Act 1974*; and
- (b) fix 1 June 1987 as the date on which this order shall come into operation.

Dated 29 May 1987

N. M. STEPHEN
Governor-General

By His Excellency's Command,

BARRY COHEN
Minister of State for Arts, Heritage
and Environment

SCHEDULE

ADMINISTRATIVE PROCEDURES UNDER THE ENVIRONMENT PROTECTION (IMPACT OF PROPOSALS) ACT 1974

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GENERAL

Interpretation

- 1.1.** In these procedures, unless the contrary intention appears-
- “action Minister”, in relation to a proposed action, means the Minister of State for the Commonwealth responsible for the proposed action, and includes where appropriate, the Minister of State for the Commonwealth for the time being administering the Act;
- “Commission” means a Commission appointed under subsection 11 (2) of the Act;
- “draft environmental impact statement” means an environmental impact statement not yet revised under paragraph 8.1;
- “environmental impact statement” means an environmental impact statement under these procedures and, where the context requires or permits, includes a draft environmental impact statement and a final environmental impact statement;
- “final environmental impact statement” means an environmental impact statement that has been revised under paragraph 8.1;
- “inquiry” means an inquiry under the Act;
- “proposed action” means a matter referred to in any of the paragraphs of section 5 of the Act;
- “public environment report” means a public environment report under these procedures;
- “responsible authority”, in relation to a proposed action, means the authority of Australia by whom, or on whose behalf, the proposed action is to be undertaken;
- “report” means a report under subsection 11 (4) of the Act;
- “the Act” means the *Environment Protection (Impact of Proposals) Act 1974*;
- “the Department” means the Department of State of the Commonwealth administered by the Minister;
- “the Minister” means the Minister of State for the Commonwealth for the time being administering the Act;
- “the proponent”, in relation to a proposed action, means the proponent of the proposed action under paragraph 1.2.1 or 1.2.3 and includes any person acting on behalf of the proponent.

Proponents of proposed actions

1.2.1 Subject to these procedures, the action Minister, or the person on behalf of the action Minister, as soon as possible after any initiative has been taken in relation to a proposed action designate a person or Department as the proponent of the proposed action and shall ensure that the Department is thereupon informed of the proposed action and of the name and address of the person or Department so designated.

1.2.2 In designating the proponent of a proposed action under paragraph 1.2.1, the action Minister, or a person on behalf of the action

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Minister, shall have regard to the general principle that, as far as convenient, the person or Department responsible for the proposed action should be designated as the proponent.

1.2.3 Where an authority of Australia is responsible for a proposed action the authority may designate a person or Department to be the proponent in relation to the proposed action but shall, if it does not do designate a person or Department, be the proponent in relation to the proposed action.

1.2.4 An authority of Australia that is responsible for a proposed action shall ensure that the Department is, as soon as possible after any initiative has been taken in relation to the proposed action, informed of the proposed action and if the authority is not the proponent in relation to the proposed action the authority shall inform the Department of the name and address of the person or Department designated as the proponent.

Proponent to ensure compliance with procedures

1.3 Before a proposed action is completed, the proponent shall do all things necessary to ensure that these procedures are complied with in relation to the proposed action.

SUPPLYING OF INFORMATION

Proponent to supply information

2.1 As soon as possible after the Department has been informed of a proposed action under paragraph 1.2.1 or 1.2.4, the proponent shall supply to the Minister, or the Department, such information as is required by these procedures, or is otherwise necessary, for the purpose of consideration, by the Minister or on the Minister's behalf, of the necessity for an environmental impact statement or a public environment report in relation to the proposed action.

Information required by procedures

2.2 For the purpose of paragraph 2.1, the information required by these procedures shall, to the extent appropriate in the circumstances of the case, be information-

- (a) summarizing any preliminary planning, consideration or work undertaken in relation to the proposed action and, in particular, describing any feasible and prudent alternatives to the proposed action considered by the action Minister or the proponent;
- (b) describing the environment that is likely to be affected by the proposed action and by any feasible and prudent alternative to the proposed action;
- (c) indicating the potential impact on the environment of the proposed action and of any feasible and prudent alternative to the proposed action, including any enhancement of the environment;

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- (d) describing any safeguards or standards for the protection of the environment intended to be adopted or applied in connection with the proposed action; and
- (e) stating any investigations or studies intended to be made of the possible impact on the environment of the proposed action.

Requirement to provide information

2.3 For the purpose of consideration, by the Minister or on the Minister's behalf, of the necessity for any environmental impact statement or a public environment report in relation to a proposed action, the Minister, or the Department on behalf of the Minister, may require the proponent to provide, within a reasonable period, such other information as is specified and is necessary for that purpose.

**REQUIREMENT FOR ENVIRONMENTAL IMPACT STATEMENTS
AND PUBLIC ENVIRONMENT REPORTS**

Requirement for environmental impact statement or public environment report

3.1.1 Subject to the Act and these procedures, the Department shall, as soon as possible after the information referred to in paragraph 2.1, and any further information required under paragraph 2.3, has been received in relation to a proposed action-

- (a) determine, on behalf of the Minister, that the preparation or obtaining, and submission to the Minister, of an environmental impact statement or a public environment report in relation to the proposed action is not required for the purpose of achieving the object of the Act; or
- (b) refer the question whether the preparation or obtaining and submission to the Minister, of an environmental impact statement or a public environment report in relation to the proposed action is required for the purpose of achieving the object of the Act to the Minister who shall forthwith determine the question and shall make a direction accordingly.

3.1.2 Subject to the Act, the Minister, or the Department on behalf of the Minister, shall, in making a determination under paragraph 3.1.1 take into account-

- (a) whether, and to what extent, the proposed action may result in-
 - (i) a substantial environmental effect on a community;
 - (ii) the transformation of a substantial area;
 - (iii) a substantial impact on the eco-systems of an area;
 - (iv) a significant diminution of the aesthetic, recreational, scientific or other environmental quality, or value, of an area;
 - (v) an adverse effect upon an area, or structure, that has an aesthetic, anthropologic, archaeological, architectural,

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- cultural, historical, scientific or social significance or other special value for the present or future generations;
- (vi) the endangering, or further endangering, of any species of fauna or flora;
 - (vii) important long-term effects on the environment;
 - (viii) the degradation of the quality of the environment;
 - (ix) the curtailing of the range of beneficial uses of the environment;
 - (x) the pollution of the environment;
 - (xi) environmental problems associated with the disposal of waste; or
 - (xii) increased demands on natural resources which are, or are likely to be, in short supply; and
- (b) any environmental assessment action taken relevant to the proposed action by any State or the Northern Territory or authority of a State or the Northern Territory.

3.1.3 The Minister shall not make a determination under paragraph 3.1.1 that the preparation or obtaining and submission to the Minister, of an environmental impact statement or a public environment report is required if the Minister is satisfied that to do so would be contrary to the public interest.

3.1.4 Where under subparagraph 3.1.1(b) the Minister determines that the preparation or obtaining and submission to the Minister of an environmental impact statement or a public environment report is not required, the Minister may nevertheless make comments, suggestions or recommendations to the action Minister concerning the proposed action, including suggestions or recommendations concerning conditions to which the proposed action should be subject, that the Minister thinks necessary or desirable for the protection of the environment, and the Minister, or the Department on behalf of the Minister, shall inform the proponent accordingly.

3.1.5 The Minister shall make available to the public as soon as possible, but the latest within 3 months after the date of receipt of a written request to do so, the reasons for an environmental impact statement or a public environment report not being directed with the exception of such material of commercial confidence, having security implications or providing confidential advice to the Minister as would be exempt from disclosure under the *Freedom of Information Act 1982*.

Further requirement for environmental impact statement or public environment report

3.2.1 For the purposes of paragraph 3.2.2, the proponent shall keep under review the environmental aspects of a proposed action in relation to which the preparation or obtaining, and submission to the Minister, of an

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environmental impact statement or a public environment report is not required under paragraph 3.1.1.

3.2.2 If, at any time before a proposed action to which paragraphs 3.2.1 applies is completed, the environmental significance of the proposed action appears likely to be materially different from that expected at the time of the determination under paragraph 3.1.1, the proponent shall inform the Minister or the Department specifying the respects in which the environmental aspects of the proposed action appear likely to be materially different from that so expected.

3.2.3 Subject to the Act and these procedures, the Minister shall, as soon as possible after receiving information under paragraph 3.2.2, and having regard to that information, determine whether the preparation or obtaining, and submission to the Minister, of an environmental impact statement or a public environment report in relation to the proposed action is, in the circumstances, required for the purpose of achieving the object of the Act, and shall make a direction accordingly.

3.2.4 Paragraphs 3.1.2 and 3.1.3 apply to the making of a determination under paragraph 3.2.3 in like manner as those paragraphs apply to the making of a determination under paragraph 3.1.1.

Consultation with Departments, etc.

3.3 Subject to the requirements of paragraphs 12.1.1 and 12.1.2 concerning communications with the States and the Northern Territory and with authorities of the States and the Northern Territory, for the purpose of assisting in the making of a determination under paragraph 3.1.1 or 3.2.3, the Minister, or the Department on behalf of the Minister, may consult with any Department or authority of Australia, any State or authority of a State, the Northern Territory or an authority of the Northern Territory, any local authority or any other person or body.

Notification of directions

3.4 The Minister, or the Department on behalf of the Minister, shall, as soon as possible after the making of a direction requiring the preparation or obtaining, and submission to the Minister, of an environmental impact statement or a public environment report under paragraph 3.1.1 or paragraph 3.2.3-

- (a) inform the proponent of the direction; and
- (b) publish in the Gazette notice of the Minister's decision to make the direction.

Revocation of requirement for environmental impact statement or public environment report

3.5.1 The Minister may at any time revoke a direction requiring the preparation or obtaining, and submission to the Minister, of an environmental

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impact statement or a public environment report under paragraph 3.1.1 or paragraph 3.2.3.

3.5.2 Where the Minister revokes a direction under paragraph 3.5.1, the Minister shall-

- (a) publish in the Gazette notice of the decision to revoke the direction; and
- (b) make available to the public the reasons for revoking the direction.

MATTERS TO BE DEALT WITH BY ENVIRONMENTAL IMPACT STATEMENTS AND PUBLIC ENVIRONMENT REPORTS

Contents of environmental impact statement

4.1 To the extent appropriate in the circumstances of the case, an environmental impact statement shall-

- (a) state the objectives of the proposed action;
- (b) analyse the need for the proposed action;
- (c) indicate the consequences of not taking the proposed action;
- (d) contain a description of the proposed action;
- (e) include information and technical data adequate to permit a careful assessment of the impact on the environment of the proposed action;
- (f) examine any feasible and prudent alternative to the proposed action;
- (g) describe the environment that is likely to be affected by the proposed action and by any feasible and prudent alternative to the proposed action;
- (h) assess the potential impact on the environment of the proposed action and of any feasible and prudent alternative to the proposed action, including, in particular, the primary, secondary, short-term, long-term, adverse and beneficial effects on the environment of the proposed action and of any feasible and prudent alternative to the proposed action;
- (i) outline the reasons for the choice of the proposed action;
- (j) describe, and assess the effectiveness of, any safeguards or standards for the protection of the environment intended to be adopted or applied in respect of the proposed action, including the means of implementing, and the monitoring arrangements to be adopted in respect of, such safeguards or standards; and
- (k) cite any sources of information relied upon in, and outline any consultations during, the preparation of the environmental impact statement.

Contents of public environment report

4.2 To the extent appropriate in the circumstances of the case, a public environment report shall-

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- (a) summarise the proposed action and any feasible and prudent alternative to the proposed action and, in particular, describe any aspects likely to have a substantial or important effect on the environment;
- (b) describe the environment that is likely to be affected by the proposed action and by any feasible and prudent alternative to the proposed action;
- (c) indicate the potential impact on the environment of the proposed action and any feasible and prudent alternative to the proposed action, including any enhancement of the environment;
- (d) outline the reasons for the choice of the proposed action;
- (e) describe and assess the effectiveness of any safeguards or standards for the protection of the environment intended to be adopted or applied in connection with the proposed action;
- (f) state any investigations or studies intended to be made of the possible impact on the environment before the proposed action is undertaken; and
- (g) state any monitoring or reporting intended to be made of the environmental impact of the proposed action following implementation.

Agreement on content of environmental impact statement or public environment report

4.3 The proponent shall consult with the Department with a view to agreeing upon the matters to be dealt with, and the extent to which those matters shall be dealt with, by an environmental impact statement or a public environment report.

Determination of contents of environmental impact statement or public environment report

4.4 After consultation between the proponent and the Department under paragraph 4.3, the Minister shall, if necessary, determine the matters to be dealt with, and the extent to which those matters are to be dealt with, by an environmental impact statement or a public environment report.

Consultation by proponent

4.5 The proponent shall consult with the Department throughout the preparation of an environmental impact statement and throughout the preparation of a public environment report to ensure that the environmental impact statement or the public environment report are acceptable in terms of paragraph 4.1 or 4.2 (as the case may require).

Consultation with Departments, etc.

4.6 Subject to the requirements of paragraphs 12.1.1 and 12.1.2 concerning communications with the States and the Northern Territory and with authorities of the States and the Northern Territory, the Minister, the Department or the proponent may consult with any Department or authority

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of Australia, any State or authority of a State, the Northern Territory or an authority of the Northern Territory, any local authority or any other person or body on the matters to be dealt with, and the extent to which those matters are to be dealt with, by an environmental impact statement or a public environment report.

**FORM OF ENVIRONMENTAL IMPACT STATEMENTS AND
PUBLIC ENVIRONMENT REPORTS**

Format etc., of environmental impact statement or public environment report

5.1 The format, layout and printing process adopted in relation to an environmental impact statement or a public environment report shall be such as to minimize, as far as convenient, the cost of the preparation or obtaining, and submission to the Minister of the environmental impact statement or the public environment report and of making such statement or report available to the public in accordance with these procedures.

Summary of environmental impact statement or public environment report

5.2 An environmental impact statement or a public environment report shall contain a clear and concise summary of the matters dealt with by it.

**MAKING ENVIRONMENTAL IMPACT STATEMENTS AND
PUBLIC ENVIRONMENT REPORTS AVAILABLE FOR COMMENT**

Public environment report or draft environmental impact statement to be provided to Minister or Department

6.1 For the purposes of assisting in the making of a decision under the Act or under these procedures, the Minister, or the Department, may require the proponent to provide, within a reasonable period, 10 copies of a draft environmental impact statement or 10 copies of a public environment report (as the case may require) to the Minister or the Department.

Public environment report or draft environmental impact statement to be made available for public comment

6.2.1 Subject to these procedures, a draft environmental impact statement or a public environment report shall be made available for public comment in accordance with these procedures.

6.2.2 Within a reasonable period after a direction requiring the preparation or obtaining, and submission to the Minister, of an environmental impact statement or a public environment report under paragraph 3.1.1 or 3.2.3, the proponent may consult with the Department with a view to agreeing that the draft environmental impact statement or the public

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environment report, or any part of such statement or report, should not be made available for public comment in accordance with these procedures.

6.2.3 Subject to paragraph 6.2.4, after consultations between the proponent and the Department under paragraph 6.2.2, the Minister shall, if necessary, determine whether the draft environmental impact statement or the public environment report, or any part of such statement or report, shall not be made available for public comment in accordance with these procedures, and shall make a direction accordingly.

6.2.4 The Minister shall, before making a determination under paragraph 6.2.3, consult with the action Minister or the responsible authority (as the case may require) and shall take into account any views expressed by the action Minister, or the responsible authority, on whether the draft environmental impact statement or the public environment report, or any part of such statement or report, should not be made available for public comment.

Public notice of public environment report or draft environmental impact statement

6.3.1 Subject to these procedures, where a draft environmental impact statement or a public environment report, or any part of such statement or report, is made available for public comment, the proponent shall give notice of-

- (a) the draft environmental impact statement or the public environment report, or any part of such statement or report, having been made available for public comment;
- (b) the places where copies of the draft environmental impact statement or the public environment report, or any part of such statement or report, can be purchased or otherwise obtained;
- (c) the places where the draft environmental impact statement or the public environment report, or any part of such statement or report, can be examined by the public; and
- (d) an address to which interested persons and bodies are invited to send written comments on the proposed action within a period being-
 - (i) in the case of a draft environmental impact statement, a period of not less than 28 days, or such other longer period as the Minister may determine, after the date of publication of the notice under subparagraph 6.3.2(b), specified in the notice; and
 - (ii) in the case of a public environment report, a period of not less than 28 days after the date of publication of the notice under subparagraph 6.3.2(b), specified in the notice.

6.3.2 The notice required to be given by the proponent under paragraph 6.3.1 shall be-

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- (a) approved by the Department;
- (b) published in the Gazette; and
- (c) published in such newspapers, and on such occasions, as the Department approves.

6.3.3 Where the Minister has directed that an inquiry be conducted in respect of all or any of the environmental aspects of a proposed action in relation to which a draft environmental impact statement or a public environment report, or any part of such statement or report has been made available for public comment, the Commission appointed to conduct the inquiry may give the notice required under paragraph 6.3.1

Official comments on public environment report or draft environmental impact statement

6.4 Subject to the requirements of paragraphs 12.1.1 and 12.1.2, concerning communications with the States and the Northern Territory and with authorities of the States and the Northern Territory, within the period specified under subparagraph 6.3.1(d), the Department or the proponent may, or, where the proponent is directed to do so by the Minister, the proponent shall, seek written comments from any Department or authority of Australia, any State or authority of a State, the Northern Territory or an authority of the Northern Territory, or any local authority or any other person or body in respect of all or any of the environmental aspects of a proposed action in relation to which a draft environmental impact statement or a public environment report has been prepared or obtained.

Written comments on public environment report or draft environmental impact statement

6.5 Within 7 days after the period specified under subparagraph 6.3.1(d), a copy of any written comments received under subparagraph 6.3.1(d) or paragraph 6.4 shall be provided to the Department and the proponent.

Minister may direct discussions on proposed action

6.6.1 Within 28 days after the period specified under subparagraph 6.3.1(d), the Minister may direct the Department to hold discussions with the proponent and the public on the proposed action.

6.6.2 For the purpose of the discussions held in accordance with subparagraph 6.6.1, the Minister shall determine those members of the public and those bodies and authorities who may attend.

6.6.3 Within 28 days after the completion of the discussions referred to in subparagraph 6.6.1, the Department shall prepare a report of the discussions.

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INQUIRIES AND REPORTS

Consultation concerning inquiries

7.1 If, at any time before a proposed action has been completed, the Minister considers that there may be grounds to direct that an inquiry be conducted in respect of all or any of the environmental aspects of the proposed action, the Minister shall consult with the action Minister or the responsible authority (as the case may require).

Inquiries

7.2 Subject to the Act and to the extent relevant, the Minister shall, in deciding whether to direct that an inquiry be conducted in respect of all or any of the environmental aspects of a proposed action, take into account-

- (a) the significance of all or any of the environmental aspects of the proposed action;
- (b) any views expressed by the action Minister or the responsible authority (as the case may require); and
- (c) whether all or any of the environmental aspects of the proposed action have been, are, or will be the subject of a public inquiry conducted otherwise than under the Act.

Public environment report or draft environmental impact statement, etc., to be provided to Commission

7.3 Where the Minister has directed that an inquiry be conducted in respect of all or any of the environmental aspects of a proposed action in relation to which a draft environmental impact statement or a public environment report has been prepared or obtained, the proponent shall provide a copy of the draft environmental impact statement or the public environment report, and of any written comments received under subparagraph 6.3.1(d) or paragraph 6.4, to the Commission as soon as possible after it has been appointed to conduct the inquiry.

Reports

7.4 The Minister shall, as soon as possible after a Commission has presented its report, provide to the proponent, through the Department, a copy of the report, together with any comments made, by the Minister, or on behalf of the Minister, on the report.

REVISION OF ENVIRONMENTAL IMPACT STATEMENTS

Revision of draft environmental impact statement

8.1 If, having regard to the draft environmental impact statement, any written comments received under subparagraph 6.3.1(d) or paragraph 6.4, any report prepared by the Department under paragraph 6.6.3, any report and any comments on the report provided to the proponent under paragraph 7.4 in relation to a proposed action, it is still intended to proceed with the

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proposed action, the proponent shall revise the draft environmental impact statement-

- (a) to take into account-
 - (i) any written comments received under subparagraph 6.3.1(d) or paragraph 6.4;
 - (ii) any report prepared by the Department under paragraph 6.6.3;
 - (ii) any report and any comments on the report provided to the proponent under paragraph 7.4; and
- (b) to summarize or to include in full (as appropriate) any written comments received under subparagraph 6.3.1(d) or paragraph 6.4.

Distribution of final environmental impact statement

8.2 The proponent shall, as soon as possible after a draft environmental impact statement has been revised under paragraph 8.1-

- (a) provide 10 copies of the final environmental impact statement to the Department, on behalf of the Minister;
- (b) provide a copy of the final environmental impact statement to any person constituting a Commission appointed to conduct an inquiry in respect of all or any of the environmental aspects of the proposed action;
- (c) provide a copy of the final environmental impact statement to any Department or authority of Australia, any State or authority of a State, the Northern Territory or an authority of the Northern Territory, any local authority or any other person or body that has made written comments on the proposed action under subparagraph 6.3.1(d) or paragraph 6.4; and
- (d) make the final environmental impact statement available to the public by sale or otherwise.

**EXAMINATION OF ENVIRONMENTAL IMPACT STATEMENTS
AND PUBLIC ENVIRONMENT REPORTS**

Examination of public environment report or final environmental impact statement

9.1.1 The Department shall, within the relevant period under paragraph 9.4, examine the final environmental impact statement or the public environment report and written comments received in relation to the public environment report under subparagraph 6.3.1(d) or paragraph 6.4, and shall report to the Minister.

9.1.2 A report prepared under paragraph 9.1.1 in relation to a public environment report and written comments received in relation to the public environment report under subparagraph 6.3.1(d) or paragraph 6.4, shall incorporate any report prepared by the Department under paragraph 6.6.3.

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9.1.3 The Minister, or the Department on behalf of the Minister, shall provide a copy of a report prepared under paragraph 9.1.1 to the action Minister and to the proponent.

9.1.4 The Department shall make available to the public, by sale or otherwise, a report prepared under paragraph 9.1.1 with the exception of such material of commercial confidence, having security implications or providing confidential advice to the Minister as would be exempt from disclosure under the *Freedom of Information Act 1982*.

Additional information

9.2 For the purposes of paragraph 9.1.1, the Minister, may, within 21 days after the receipt of the final environmental impact statement under subparagraph 8.2(a) or the public environment report and written comments received in relation to the public environment report under subparagraph 6.3.1(d) or paragraph 6.4, require the proponent to provide, within a reasonable period, such other information as is specified and is necessary for the purpose of examining the environmental impact statement or the public environment report.

Minister's recommendations, etc., on proposed action

9.3.1 The Minister shall, within the relevant period under paragraph 9.4, make any comments, suggestions or recommendations to the action Minister and other relevant Ministers concerning the proposed action, whether or not contained in the report prepared by the Department under paragraph 9.1.1, including suggestions or recommendations concerning conditions to which the proposed action should be subject, that the Minister thinks necessary or desirable for the protection of the environment, and the Minister, or the Department on behalf of the Minister, shall inform the proponent accordingly.

9.3.2 The Minister shall make available to the public any comments, suggestions or recommendations made under paragraph 9.3.1, with the exception of such material of commercial confidence, having security implications or providing confidential advice to the Minister as would be exempt from disclosure under the *Freedom of Information Act 1982*.

Relevant period

9.4 The relevant period for the purpose of paragraph 9.1.1 and 9.3.1 shall be-

- (a) 42 days after the receipt of the final environmental impact statement under subparagraph 8.2(a);
- (b) 28 days after receipt of the public environment report and written comments received in relation to the public environment report under subparagraph 6.3.1(d) or paragraph 6.4, or, where the Minister directs the Department to hold discussions under

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- subparagraph 6.6.1, 28 days after the completion of those discussions;
- (c) in the case of an environmental impact statement, 42 days, and in the case of a public environment report, 28 days, after the receipt of any information required under paragraph 9.2; or
 - (d) such longer period as is agreed to by the Department and the proponent,
- whichever is the longer.

Duties of Ministers following assessment

9.5 Subject to, and in accordance with section 8 of the Act, each Minister shall give all such directions and do all such things as can be given or done by that Minister for ensuring that any final environmental impact statement or any public environment report and written comments received in relation to the public environment report under subparagraph 6.3.1(d) or paragraph 6.4, and any suggestions or recommendations made under paragraph 9.3.1 or paragraph 3.1.4, are taken into account in matters to which they relate.

REVIEW OF ENVIRONMENTAL ASPECTS OF PROPOSED ACTIONS

Review and assessment of environmental aspects of proposed action

10.1.1 For the purpose of achieving the object of the Act, the Department may at any time, whether before or after a proposed action has been completed, review and assess all or any of the environmental aspects of the proposed action, including, in particular, the effectiveness of any safeguards or standards for the protection of the environment adopted or applied in respect of the proposed action and the accuracy of any forecasts of the environmental effects of the proposed action, and the Department shall report to the Minister.

10.1.2 In conducting a review and assessment of all or any of the environmental aspects of the proposed action under paragraph 10.1.1, the Department shall take into account any response to the Minister arising from comments, suggestions or recommendations made by the Minister under paragraph 9.3.1.

10.1.3 The Department shall make available to the public, by sale or otherwise, the report provided to the Minister under paragraph 10.1.1 and any response to the Minister referred to in paragraph 10.1.2, with the exception of such material of commercial confidence, having security implications or providing confidential advice to the Minister as would be exempt from disclosure under the *Freedom of Information Act 1982*.

SCHEDULE – continued**Results of review and assessment**

10.2.1 The Minister shall inform the action Minister and the proponent of the results of any review and assessment of all or any of the environmental aspects of the proposed action under paragraph 10.1.1 and may make any comments, suggestions or recommendations to the action Minister and other relevant Ministers, whether or not contained in the report prepared by the Department under paragraph 10.1.1, concerning any safeguards or standards for the protection of the environment that may be able to be adopted or applied in respect of the proposed action or should be adopted or applied in respect of any future similar proposed actions.

10.2.2 The Minister shall make available to the public any comments, suggestions or recommendations made under paragraph 10.2.1, with the exception of such material of commercial confidence, having security implications or providing confidential advice to the Minister as would be exempt from disclosure under the *Freedom of Information Act 1982*.

Duties of Ministers following review

10.3 Subject to, and in accordance with, section 8 of the Act, each Minister shall give all such directions and do all such things as can be given or done by that Minister for ensuring that any suggestions or recommendations made under paragraph 10.2.1 are taken into account in matters to which they relate.

Minister may direct a public environment report following review and assessment

10.4 The Minister may, as a result of the review and assessment of all or any of the environmental aspects of the proposed action under paragraph 10.1.1, and after consultation with the action Minister, make a direction requiring the preparation or obtaining and submission to the Minister of a public environment report in relation to one or more environmental aspects of the proposed action.

EXEMPTIONS**Requests for exemptions**

11.1 A Minister, Department or an authority of Australia may request the Minister to exempt a proposed action, or a class of proposed actions, from all or any of the requirements of these procedures.

Consultation with Department, etc., concerning exemptions

11.2 Subject to the requirements of paragraphs 12.1.1 and 12.1.2 concerning communications with the States or the Northern Territory and with authorities of the States or the Northern Territory, the Minister, or the Department on behalf of the Minister, may consult with any Department or authority of Australia, any State or authority of a State, the Northern Territory or an authority of the Northern Territory, any local authority or any

SCHEDULE – continued

other person or body concerning whether a proposed action, or a class of proposed actions, should be exempted from all or any of the requirements of these procedures.

Matters to be taken into account

11.3.1 Subject to paragraph 11.3.2, the Minister shall, in determining whether to exempt a proposed action, or a class of proposed actions, from all or any of the requirements of these procedures, take into account-

- (a) whether the application to the proposed action, or the class of proposed actions, of the requirements of these procedures from which exemption is sought would-
 - (i) be prejudicial to national security;
 - (ii) be prejudicial to the interests of Australia;
 - (iii) adversely affect commercial or other confidences; or
 - (iv) be otherwise contrary to the public interest; and
- (b) any views on a matter referred to in subparagraph 11.3.1(a) expressed by the Minister, Department or authority of Australia making the request.

11.3.2 The Minister shall, in determining whether to exempt a proposed action, or a class of proposed actions, from all or any of the requirements of these procedures, have regard to the general principle that it is desirable in the national interest that the requirements of these procedures should, as far as reasonably possible, apply to all proposed actions.

Exemptions

11.4 Subject to these procedures, the Minister may, by written instrument, exempt a proposed action, or a class of proposed actions, from the requirements of these procedures or such of those requirements as are specified.

Publication of exemptions, etc.

11.5 Unless the Minister is satisfied that to do so would be contrary to the public interest, an exemption under paragraph 11.4, and a summary of the reasons for granting the exemption, shall be made public.

MISCELLANEOUS

Communication with States and Northern Territory on matters of policy

12.1.1 A communication under these procedures with a State or with an authority of a State on a matter of policy shall only be between the Prime Minister and the Premier of the State or a person for the time being acting for or on behalf of the Premier of the State.

12.1.2 A communication under these procedures with the Northern Territory or with an authority of the Northern Territory on a matter of policy shall only be between the Prime Minister and the Chief Minister of the

SCHEDULE – continued

Northern Territory or a person for the time being acting Chief Minister of the Northern Territory.

Arrangements with States and Northern Territory

12.2.1 The Minister may enter into an arrangement with a State or authority of a State or the Northern Territory or an authority of the Northern Territory in order to facilitate the joint assessment, in appropriate circumstances, of a proposed action.

12.2.2 The Minister, or the Department on behalf of the Minister, shall make available to the public the details of any arrangement entered into under paragraph 12.2.1.