

and Penalties Act. The linkages provided in this bill are consistent with those incorporated in the *Waste Management and Pollution Control Bill* currently before the Assembly. It is appropriate that the *Mine Management Amendment Bill* should be introduced at the same time as the *Waste Management and Pollution Control Bill*. Together, they form a complementary package. To avoid duplication, the *Waste Management and Pollution Control Bill* generally excludes mining activities as these are controlled through existing mining legislation. To ensure consistency, both bills provide the same access to provisions of the *Environmental Offences and Penalties Act*.

The government recognises that the mining industry has made enormous progress in the development and implementation of best practice environmental management and continuous improvement. It also recognises that, unfortunately on occasion, compliance by some operators is not up to industry standards. It is for those few that the government requires a strong deterrent for non-performance. Access to higher level penalties is one of a range of such deterrents. The *Mine Management Amendment Bill* will markedly improve the government's ability to prosecute environmental offences by the mining industry and provide for the imposition of higher levels of penalties. This will not only act as a significant deterrent to potential environmental offenders but will also encourage ongoing improvement in environmental management practices. In conjunction with the *Waste Management and Pollution Control Bill*, this bill will promote a consistent and uniform legislative approach by the government across the industry.

I turn now to the bill in more detail. The bill is relatively straightforward. It provides the necessary links between the *Mine Management Act* and the *Environmental Offences and Penalties Act*. While the *Environmental Offences and Penalties Act* sets penalties for the 4 levels of environmental offences, it does not define what constitutes the 4 levels of offences. This bill characterises each level of offence, depending on the seriousness of the environmental harm and the intent of the offender. The top level offence (a level 1 offence) involves the causing of serious environmental harm or the potential to cause serious environmental harm, along with the intent to cause environmental harm. The levels of offence gradually reduce in the seriousness of harm and the intent to cause harm. The lowest level offence (a level 4 offence) is where nuisance or minor environmental harm is caused.

The bill provides for the prosecution of an individual and a body corporate or company. It makes provision also for the prosecution of both the individual and the body corporate if the situation warrants such action. Where an individual or body corporate is prosecuted with a particular level of environmental offence and that level is not adequately proven, the bill makes provision for the court to convict the offender of a lower level of offence.

Along with establishing grounds for prosecution, the bill also identifies defences to prosecution for environmental offences and provides additional daily penalties for continuing offences. In the situation where a person performs an act that constitutes an offence and/or fails to perform a requirement under the act, an independent party can be authorised to carry out any necessary remedial works and the expenses incurred become a debt payable to the Territory by the person who failed to fulfil the requirements of the act.

In summary, this bill will provide the government with a substantial deterrent to those operators in the mining industry who may fail in the future to comply with accepted environmental requirements and standards. The bill is not expected to affect the majority of the mining industry which strives towards best practice environmental management. However, it provides a strong warning to potential environmental offenders. If an individual or company causes environmental harm, the community expects the government to apply appropriate penalties and, with this bill, we are meeting those expectations. I commend the bill to honourable members.

Debate adjourned.

EDUCATION AMENDMENT BILL (Serial 54)

Bill presented and read a first time.

Mr ADAMSON (Education and Training):
Madam Speaker, I move that the bill be now read a second time.

The purpose of this bill is to amend the *Education Act* to empower the secretary of the Department of Education to make determinations about the operation of non-government schools. The Commonwealth's new schools policy requires that non-government schools must be recognised in the relevant state or territory prior to receiving Commonwealth assistance. If a non-government