

Western Australia

**Approvals and Related Reforms (No. 1)
(Environment) Act 2010**

As at 28 Oct 2010

No. 40 of 2010

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Approvals and Related Reforms (No. 1) (Environment) Act 2010

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Western Australia

**Approvals and Related Reforms (No. 1)
(Environment) Act 2010**

No. 40 of 2010

An Act to amend the *Environmental Protection Act 1986* and for related purposes.

[Assented to 28 October 2010]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary matters

1. Short title

This is the *Approvals and Related Reforms (No. 1) (Environment) Act 2010*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 other than section 3 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Act amended

This Act amends the *Environmental Protection Act 1986*.

Part 2 — Appeals

Division 1 — Appeals in respect of proposals

4. Section 45A amended

- (1) In section 45A(2) delete “when a section 39B declaration is final,” and insert:

when the Minister is notified under section 39B(5)(b)
of a section 39B declaration,

- (2) Delete section 45A(4).

5. Section 48F amended

In section 48F(3)(a) delete “section 100(3a)(d); or” and insert:

section 100(3a)(c); or

6. Section 100 amended

- (1) In section 100(1):

- (a) in paragraph (a) delete “assessed;” and insert:

assessed, other than a decision that includes a
recommendation that the proposal be dealt with
under Part V Division 2; or

- (b) delete paragraphs (b) and (c);

- (c) in paragraph (e) delete “scheme; or” and insert:

scheme,

Approvals and Related Reforms (No. 1) (Environment) Act 2010

Part 2 Appeals

Division 1 Appeals in respect of proposals

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- (d) delete paragraph (f);
- (e) after paragraph (d) insert:

or

(2) Delete section 100(2).

(3) In section 100(3a):

- (a) in paragraph (a) delete “subsection (1)(a), (b), (c) or (f),” and insert:

subsection (1)(a),

- (b) delete paragraph (d) and “or” after it;
- (c) after each of paragraphs (a), (b) and (c) insert:

or

Note: The heading to amended section 100 is to read:

Lodging of appeals in respect of proposals

7. Section 101 amended

(1) In section 101(1):

- (a) delete “section 100(1), (2)” and insert:

section 100(1)

- (b) in paragraph (b) delete “section 100(1)(a) or (b),” and insert:

section 100(1)(a),

- (c) in paragraph (c) delete “section 100(1)(a), (b) or (f),” and insert:

section 100(1)(a),

- (d) delete paragraph (da);
(e) delete paragraph (dc);
(f) after each of paragraphs (a), (b), (c), (d) and (db) insert:

or

- (2) In section 101(2) delete “(c), (d) or (dc)” and insert:

(c) or (d)

- (3) Delete section 101(2a), (2b) and (2c).

- (4) In section 101(3):

- (a) delete paragraph (a) and insert:

(a) referred to in section 100(1)(a) does not affect the relevant decision; or

- (b) delete “subsection (1), (2c) or (2d).” and insert:

subsection (1) or (2d).

- (c) after each of paragraphs (b) and (c) insert:

or

8. Section 106 amended

In section 106(3) delete “section 101(2a) or (2d).” and insert:

section 101(2d).

9. Section 107 amended

In section 107(3) delete “section 101(2a) or (2d).” and insert:

section 101(2d).

Division 2 — Appeals in respect of clearing permits

10. Section 101A amended

(1) In section 101A(1) delete “28 days” and insert:

21 days

(2) In section 101A(2) delete “28 days” and insert:

21 days

(3) In section 101A(3):

(a) in paragraph (a) delete “refusal or”;

(b) in paragraph (b) delete “amendment, revocation or suspension” and insert:

amendment

- (c) delete “refusal, specification, revocation, suspension or amendment” and insert:

specification or amendment

Division 3 — Appeals in respect of works approvals and licences

11. Section 102 amended

In section 102(3):

- (a) in paragraph (a) delete “refusal or”;
- (b) in paragraph (b) delete “amendment, revocation or suspension” and insert:

amendment

- (c) delete “refusal, specification, revocation, suspension or amendment” and insert:

specification or amendment

Division 4 — Transitional provisions

12. Part IX Division 1 heading inserted

At the beginning of Part IX insert:

Division 1 — Transitional provisions for *Environmental Protection Act 1986*

13. Part IX Division 2 inserted

After Part IX Division 1 insert:

Division 2 — Transitional provisions for *Approvals and Related Reforms (No. 1) (Environment) Act 2010 Part 2*

129. Term used: amending Act

In this Division —

amending Act means the *Approvals and Related Reforms (No. 1) (Environment) Act 2010*.

130. Appeals in respect of proposals

(1) In this section —

former EP Act means the *Environmental Protection Act 1986* as in force immediately before the amending Act Part 2 Division 1 comes into operation.

(2) The former EP Act continues to apply in respect of a decision of the Authority made before the day on which the amending Act Part 2 Division 1 comes into operation.

131. Appeals in respect of clearing permits

- (1) In this section —
former EP Act means the *Environmental Protection Act 1986* as in force immediately before the amending Act Part 2 Division 2 comes into operation.
- (2) The former EP Act continues to apply in respect of a decision of the CEO made before the day on which the amending Act Part 2 Division 2 comes into operation.

132. Appeals in respect of works approvals and licences

- (1) In this section —
former EP Act means the *Environmental Protection Act 1986* as in force immediately before the amending Act Part 2 Division 3 comes into operation.
- (2) The former EP Act continues to apply in respect of a decision of the CEO made before the day on which the amending Act Part 2 Division 3 comes into operation.

Part 3 — Decisions about minor or preliminary work that has Authority's consent

14. Section 41 amended

After section 41(3) insert:

- (4) Subsections (2) and (3) do not apply to a decision in relation to a proposal if the effect of the decision would be to cause or allow the doing of minor or preliminary work to which the Authority has consented under section 41A(3).

15. Section 51F amended

After section 51F(1) insert:

- (2A) Subsection (1) does not apply if the application is for a clearing permit for the purpose of doing minor or preliminary work to which the Authority has consented under section 41A(3).

16. Section 54 amended

After section 54(4) insert:

- (5A) Subsection (4) does not apply if the application is for a works approval for the purpose of doing minor or preliminary work to which the Authority has consented under section 41A(3).

17. Section 57 amended

After section 57(4) insert:

- (4AA) Subsection (4) does not apply if the application is for a licence for the purpose of doing minor or preliminary work to which the Authority has consented under section 41A(3).

18. Part IX Division 3 inserted

At the end of Part IX insert:

Division 3 — Transitional provisions for *Approvals and Related Reforms (No. 1) (Environment) Act 2010* Part 3

133. Minor or preliminary work that has Authority's consent

- (1) In this section —

amended EP Act means the *Environmental Protection Act 1986* as amended by the *Approvals and Related Reforms (No. 1) (Environment) Act 2010* Part 3.

- (2) The amended EP Act applies —

- (a) in respect of a proposal irrespective of when the proposal was or is referred to the Authority;
and
(b) in respect of an application irrespective of when the application was or is made to the CEO.

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