

WESTERN AUSTRALIA

**ENVIRONMENTAL PROTECTION
AMENDMENT ACT 1993**

No. 34 of 1993

AN ACT to amend the *Environmental Protection Act 1986*.

[Assented to 16 December 1993.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Environmental Protection Amendment Act 1993*.

Commencement

2. This Act comes into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Environmental Protection Act 1986** is referred to as the principal Act.

[* *Act No. 87 of 1986.*

*For subsequent amendments see 1992 Index to
Legislation of Western Australia, Table 1, p. 67.]*

Section 3 amended

4. Section 3 (1) of the principal Act is amended by deleting the definitions of "Chairman", "Chief Executive Officer" and "Deputy Chairman" and substituting the following definitions —

“

“Chairman” means the Authority member appointed to be Chairman of the Authority under section 7 (4a);

“Chief Executive Officer” means person holding or acting in the office of chief executive officer of the Department;

“Deputy Chairman” means the Authority member appointed to be Deputy Chairman of the Authority under section 7 (4a);

”.

Section 7 amended and transitional provisions

5. (1) Section 7 (2), (3) and (4) of the principal Act are repealed and the following subsections are inserted —

“

(2) The Authority consists of 5 members appointed by the Governor on the recommendation of the Minister on account of their interest in, and experience of, matters affecting the environment generally.

(3) Before making a recommendation under subsection (2) the Minister shall publish in a daily newspaper circulating throughout the State a notice calling for expressions of interest in appointment to the office of Authority member.

(4) The Minister shall consider expressions of interest lodged in accordance with the notice but may make a recommendation under subsection (2) whether or not the person recommended has lodged an expression of interest.

(4a) One of the Authority members shall be appointed by the Governor on the recommendation of the Minister to be the Chairman of the Authority and another to be the Deputy Chairman of the Authority.

(4b) The duties of the Chairman are to be performed on a full-time basis.

(4c) The duties of an Authority member other than the Chairman are to be performed on a full-time or part-time basis as determined by the Governor on the recommendation of the Minister in the case of that member.

”

(2) If the appointment of a person as an Authority member under the provisions of section 7 of the principal Act as enacted before the commencement of this Act is still in effect immediately before that commencement, that appointment is terminated on and by virtue of that commencement.

(3) Subsection (2) does not affect the eligibility of the person to be appointed as an Authority member under section 7 as amended by this Act.

(4) In subsections (2) and (3) “**Authority member**” has the same meaning as in the principal Act.

Section 8 amended

6. Section 8 (b) of the principal Act is amended by deleting “except when acting in his capacity as the Chief Executive Officer,”.

Section 9 amended

7. Section 9 of the principal Act is amended by deleting “An authority member shall be paid such remuneration and travelling and other allowances as” and substituting the following —

“

Subject to section 7 the remuneration, travelling and other allowances and other terms and conditions of appointment of an Authority member shall be those that

”.

Section 11 amended

8. (1) Section 11 (2) (c) and (d) of the principal Act are deleted and the following paragraphs are substituted —

“

(c) subject to section 12 (2) each Authority member present shall cast a deliberative vote on any question that is to be decided;

- (d) any question shall be decided by a majority of the votes cast by the Authority members present, but if the voting on a question is equally divided, the person presiding at that meeting has a casting vote in addition to a deliberative vote; and
- (e) a question shall not be decided unless at least 3 Authority members vote thereon.

”.

(2) After section 11 (2) of the principal Act the following subsection is inserted —

“

(3) Notice of meetings of the Authority shall be given to the Department, and the Chief Executive Officer, or a representative of the Chief Executive Officer, is entitled to attend any meeting and to take part in the consideration and discussion of any matter before a meeting, but shall not vote on any matter.

”.

Section 14 amended

9. Section 14 of the principal Act is amended —

- (a) by inserting after the section designation “14.” the subsection designation “(1)”; and
- (b) by inserting the following subsection —

“

(2) The Authority shall cause the minutes kept under subsection (1) to be made available for public inspection under such conditions and at such places and times as are prescribed.

”.

Section 17A inserted

10. After section 17 of the principal Act the following section is inserted —

“

Provision of services, information etc. to Authority

17A. (1) The Minister shall ensure that the Authority is provided with such services and facilities as are reasonably necessary to enable it to perform its functions.

(2) Without limiting subsection (1), the Minister may, by arrangement with the Authority, and on such terms and conditions as may be mutually arranged with the Authority, allow the Authority to make use, either full-time or part-time, of —

- (a) the services of any officer or employee employed in the Department; or
- (b) any services or facilities of the Department.

(3) This section does not limit the operation of section 24.

”

Section 20 amended

11. (1) Section 20 (1) of the principal Act is amended by deleting “referred to in section 7 (4)”.

(2) Section 20 (2) of the principal Act is repealed.

Section 22 amended

12. Section 22 (1) of the principal Act is amended by deleting “such” and substituting the following —

“ a chief executive officer and such other ”.