

**ACTS AMENDMENT AND REPEAL
(ENVIRONMENTAL PROTECTION)
ACT**

No. 77 of 1986

AN ACT to amend the *Fisheries Act 1905*, the *Mines Regulation Act 1946*, the *Mining Act 1978*, the *Noise Abatement Act 1972*, the *Rights in Water and Irrigation Act 1914*, the *State Planning Commission Act 1985*, the *Town Planning and Development Act 1928*, the *Waterways Conservation Act 1976* and the *Western Australian Water Resources Council Act 1982* and to repeal the *Clean Air Act 1964* and the *Environmental Protection Act 1971*.

[Assented to 4 December 1986]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment and Repeal (Environmental Protection) Act 1986*.

Commencement

2. The provisions of this Act shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

PART II—FISHERIES ACT 1905

Section 26A amended

3. Section 26A of the *Fisheries Act 1905** is amended in subsection (3) by deleting “the Director of Environmental Protection”—

(a) where it occurs for the first time and substituting the following—

“ the Chief Executive Officer within the meaning of the *Environmental Protection Act 1986* ”; and

(b) where it occurs for the second time and substituting the following—

“ that Chief Executive Officer ”.

[*Reprinted as approved 15 March 1976 and amended by Acts Nos. 60 of 1979, 73 of 1981, 70 of 1982, 112 of 1984, and 57 and 98 of 1985.]

PART III—MINES REGULATION ACT 1946

Principal Act

4. In this Part, the *Mines Regulation Act 1946** is referred to as the principal Act.

[*Reprinted as authorized 15 October 1979 and amended by Acts Nos. 28 and 88 of 1984, and 5, 41 and 109 of 1985.]

Section 23C amended

5. Section 23C of the principal Act is amended in subsection (2) (c) by deleting subparagraph (iii) and substituting the following subparagraph—

“ (iii) one shall be a scientific officer appointed within the meaning of section 22 (1), or engaged under a contract for services within the meaning of section 23 (1), of the *Environmental Protection Act 1986*, and nominated by the Chief Executive Officer within the meaning of that Act; ”.

Section 23D amended

6. Section 23D of the principal Act is amended in subsection (1) (f) by deleting “under the Clean Air Act, 1964” and substituting the following—

“ within the meaning of section 22 (1) of the *Environmental Protection Act 1986* ”.

PART IV—MINING ACT 1978

Principal Act

7. In this Part, the *Mining Act 1978** is referred to as the principal Act.

[*Reprinted as approved 11 December 1981 and amended by Acts Nos. 10 and 122 of 1982, 52 of 1983, 100 of 1985 and 1 of 1986.]

Section 6 amended

8. Section 6 of the principal Act is amended by deleting “1971” and substituting the following—

“ 1986 ”.

Section 25 amended

9. Section 25 of the principal Act is amended in subsection (2) (b) by deleting “for Conservation and the Environment” and substituting the following—

“ to whom the administration of the *Environmental Protection Act 1986* is for the time being committed by the Governor ”.

PART V—*NOISE ABATEMENT ACT 1972*

Principal Act

10. In this Part, the *Noise Abatement Act 1972** is referred to as the principal Act.

[*Reprinted as approved 21 January 1982 and amended by Acts Nos. 28 of 1984 and 41 of 1985.]

Long title amended

11. The long title of the principal Act is amended by inserting after “**and vibration**” the following—

“ **in relation to occupational health, safety and welfare** ”.

Section 5 amended

12. Section 5 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “(1)”;

(ii) by deleting the definitions of “abatement notice”, “Advisory Committee”, “alarm”, “district”, “inspector”, “nuisance order”, “section” and “the local authority”;

(iii) in the definition of “occupier” by deleting “Part IVA of this Act and in”; and

(iv) by inserting after the definition of “owner” the following definition—

“ “workplace inspector” means workplace inspector appointed under section 34 (1). ”;

and

(b) by repealing subsection (2).

Section 7 amended

13. Section 7 of the principal Act is amended in subsection (2) by deleting “or from which the nuisance emanates,”.

Section 8 amended

14. Section 8 of the principal Act is amended in subsection (2) by deleting “an inspector” and substituting the following—

“ a workplace inspector ”.

Section 12 amended

15. Section 12 of the principal Act is amended in subsection (1) by—

- (a) inserting “and” after “and vibration;” in paragraph (d);
- (b) deleting “; and” at the end of paragraph (e) and substituting a full stop; and
- (c) deleting paragraph (ea).

Sections 13 to 22 repealed

16. Sections 13 to 22 of the principal Act are repealed.

Section 23 amended

17. Section 23 of the principal Act is amended by deleting paragraphs (f), (g) and (i).

Sections 24 and 25 repealed

18. Sections 24 and 25 of the principal Act are repealed.

Parts IV and IVA repealed

19. (1) Part IV of the principal Act is repealed.

(2) Part IVA of the principal Act is repealed.

Section 34 amended

20. Section 34 of the principal Act is amended—

(a) in subsection (1) by deleting—

(i) “an inspector of a prescribed class” and substituting the following—

“ a workplace inspector ”; and

(ii) “an inspector of that class” and substituting the following—

“ a workplace inspector ”;

(b) in subsection (2) by deleting “an inspector of a prescribed class” and substituting the following—

“ a workplace inspector ”; and

(c) in subsection (3)—

(i) by inserting after “appointment of the” the following—

“ workplace ”; and

(ii) by deleting “an inspector of the prescribed class concerned” and substituting the following—

“ a workplace inspector ”.

Section 35 amended

21. Section 35 of the principal Act is amended—

(a) in subsection (1) by deleting “member of the Advisory Committee or any inspector” and substituting the following—

“ workplace inspector ”; and

(b) in subsection (3) by deleting “member of the Advisory Committee or” and substituting the following—

“ workplace ”.

Section 36 amended

22. Section 36 of the principal Act is amended by deleting—

- (a) “member of the Advisory Committee or any” and substituting the following—
“ workplace ”; and
- (b) “member or” and substituting the following—
“ workplace ”.

Section 37 amended

23. Section 37 of the principal Act is amended by deleting “an inspector” and substituting the following—

“ a workplace inspector ”.

Section 40 amended

24. Section 40 of the principal Act is amended—

- (a) in subsection (1) by deleting “member of the Advisory Committee or any” and substituting the following—
“ workplace ”; and
- (b) in subsection (5) (a) by deleting “the Advisory Committee and every person who is, becomes or has been a member of the Advisory Committee,” and substituting the following—
“ every person who is, becomes or has been an ”.

Section 45 repealed

25. Section 45 of the principal Act is repealed.

Section 46 repealed and substituted

26. Section 46 of the principal Act is repealed and the following section is substituted—

Prosecutions

- “ 46. A prosecution for an offence against this Act may be instituted by a workplace inspector or by any person authorized by the Minister. ”.

Section 47 amended

27. Section 47 of the principal Act is amended in subsection (1) by deleting “or of the secretary to the local authority”.

Section 48 amended

28. Section 48 of the principal Act is amended in subsection (2) by deleting—

(a) paragraphs (a) and (la); and

(b) “sections 8 and 12” in paragraph (g) and substituting the following—

“ section 8 ”.

Saving

29. Nothing in this Part affects or prevents the continued operation of any regulations made under the principal Act before the coming into operation of this section, or affects or prevents the amendment or repeal of any such regulations, which relate to the appointment of workplace inspectors, hearing conservation in workplaces or any other matter relevant to occupational health, safety and welfare.

PART VI—RIGHTS IN WATER AND IRRIGATION ACT 1914

Principal Act

30. In this Part, the *Rights in Water and Irrigation Act 1914** is referred to as the principal Act.

[*Reprinted as approved 12 August 1974 and amended by Acts Nos. 48 of 1974, 100 of 1976, 76 and 98 of 1978, 63 of 1981, 119 of 1984, and 25, 109 and 110 of 1985.]

Long title amended

31. The long title of the principal Act is amended by deleting “the Prevention of the Pollution of Waters, the Control of the Disposal of Waste and Industrial Effluent,”.

Part IIIA repealed

32. Part IIIA of the principal Act is repealed.

PART VII—*STATE PLANNING COMMISSION ACT 1985*

Section 25 amended

33. Section 25 of the *State Planning Commission Act 1985** is amended in subsection (1) (e) by deleting subparagraph (ii) and substituting the following subparagraph—

“ (ii) the Chief Executive Officer within the meaning of the *Environmental Protection Act 1986* or a person nominated in writing by him; ”.

[*Act No. 91 of 1985 as amended by Act No. 4 of 1986.]

PART VIII—*TOWN PLANNING AND DEVELOPMENT ACT 1928*

Section 20 amended

34. Section 20 of the *Town Planning and Development Act 1928** is amended in subsection (1) (a) by inserting after “Subject to” the following—

“ section 68 of the *Environmental Protection Act 1986*, ”.

[*Reprinted as approved 22 May 1980 and amended by Acts Nos. 107 of 1978, 72 of 1980, 79 of 1981, 73, 120 and 122 of 1982, 32 of 1983 and 7, 92 and 109 of 1985.]

PART IX—*WATERWAYS CONSERVATION ACT 1976*

Principal Act

35. In this Part, the *Waterways Conservation Act 1976** is referred to as the principal Act.

[*Act No. 131 of 1976 as amended by Acts Nos. 16 of 1980, 97 of 1982, 78 of 1984 and 98 of 1985.]

Section 3 amended

36. Section 3 of the principal Act is amended in the definition of “the Environmental Protection Authority” in subsection (1) by deleting “established pursuant to the *Environmental Protection Act, 1971*” and substituting the following—

“ continued in existence by the *Environmental Protection Act 1986* ”.

Section 5 amended

37. Section 5 of the principal Act is amended—

- (a) in subsection (1) by deleting “, 1971, includes a reference to any matter contained in, or ratified or approved by, a declaration made pursuant to section thirty-nine” and substituting the following—

“ 1986 includes a reference to the provisions of an environmental protection policy approved under section 31 ”; and

- (b) in subsection (2) (f) by deleting “, 1971” and substituting the following—

“ 1986 ”.

PART X—WESTERN AUSTRALIAN WATER RESOURCES COUNCIL ACT 1982

Section 4 amended

38. Section 4 of the *Western Australian Water Resources Council Act 1982** is amended in subsection (4)—

- (a) by inserting after paragraph (b) the following paragraph—

“ (ba) the Chief Executive Officer within the meaning of the *Environmental Protection Act 1986* or a person nominated in writing by him; ”;

and

- (b) by deleting paragraph (c) (iii).

[*Act No. 38 of 1982 as amended by Acts Nos. 2 of 1984 and 25 and 98 of 1985.]

PART XI—CLEAN AIR ACT 1964

Act repealed

39. The *Clean Air Act 1964** is repealed.

[*Reprinted as approved 20 July 1983 and amended by Acts Nos. 28 of 1984 and 41 of 1985].

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Protection) Act*

PART XII—*ENVIRONMENTAL PROTECTION ACT 1971*

Act repealed

40. The *Environmental Protection Act 1971** is repealed.

[*Reprinted as approved 2 December 1981.]
