



Environment Protection (Impact of Proposals) Act 1974

Act No. 164 of 1974 as amended

Consolidated as in force on 9 August 1999

(includes amendments up to Act No. 92 of 1999)

This Act has uncommenced amendments

For uncommenced amendments, see the endnotes

[Note: This Act is to be repealed by No. 92 of 1999]

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An Act to make provision for Protection of the Environment in relation to Projects and Decisions of, or under the control of, the Australian Government, and for related purposes

1 Short title [See Note 1]

This Act may be cited as the *Environment Protection (Impact of Proposals) Act 1974*.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Interpretation

In this Act, unless the contrary intention appears:

Australia includes the Territories to which this Act extends.

authority of Australia does not include a court but includes an authority of a Territory and all authorities and bodies (not being companies or societies) established by or appointed under the laws of Australia and of the Territories and also includes a company in which the whole of the shares or stock, or shares or stock carrying more than one-half of the voting power, is or are owned by or on behalf of Australia.

environment includes all aspects of the surroundings of human beings, whether affecting human beings as individuals or in social groupings.

Territory means an internal Territory or an external Territory to which this Act extends.

4 Extension to Territories

This Act extends to all the external Territories.

4A Non-application in relation to certain heritage Acts

- (1) Nothing in this Act applies in relation to:
 - (a) the doing of any thing under the *World Heritage Properties Conservation Act 1983* or regulations under that Act; or
 - (b) the submission by the Commonwealth under Article 11 of the Convention, within the meaning of the *World Heritage Properties Conservation Act 1983*, of property to the World Heritage Committee as suitable for inclusion in the World Heritage List provided for in paragraph 2 of that Article.
- (2) This section has effect as if it had commenced on the commencement of the *World Heritage Properties Conservation Act 1983*.

5 Object of Act

- (1) The object of this Act is to ensure, to the greatest extent that is practicable, that matters affecting the environment to a significant extent are fully examined and taken into account in and in relation to:
 - (a) the formulation of proposals;
 - (b) the carrying out of works and other projects;
 - (c) the negotiation, operation and enforcement of agreements and arrangements (including agreements and arrangements with, and with authorities of, the States);
 - (d) the making of, or the participation in the making of, decisions and recommendations; and
 - (e) the incurring of expenditure;by, or on behalf of, the Australian Government and authorities of Australia, either alone or in association with any other government, authority, body or person.
- (2) The matters referred to in subsection (1) extend to matters of those kinds arising in relation to direct financial assistance granted, or proposed to be granted, to the States.

5A Endangered species etc.

- (1) Without limiting the scope of section 5, a matter is taken, for the purposes of that section, to be a matter affecting the environment to a significant extent if it could threaten with extinction, or significantly impede the recovery of, a listed native species or a listed ecological community.
- (2) Despite subsection (1), for the purposes of section 5, an act is not taken, merely because it could affect a listed native species or a listed ecological community, to be a matter affecting the environment to a significant extent if it is expressly permitted under a recovery plan, or a threat abatement plan, that is in force under the *Endangered Species Protection Act 1992*.

- (3) In this section:

listed ecological community and *listed native species* have the same meanings as in the *Endangered Species Protection Act 1992*.

permitted includes required.

recovery plan and *threat abatement plan* have the same meanings as in the *Endangered Species Protection Act 1992*.

6 Approved procedures

- (1) The Governor-General may, from time to time, by order, approve, and approve variations of, administrative procedures for the purpose of achieving the object of this Act, being procedures that are consistent with relevant laws, as affected by regulations under this Act.
- (2) Without limiting the generality of subsection (1), the approved procedures may provide for:
 - (a) enabling the Minister to require the supply of information for the purpose of consideration, by or on behalf of the Minister, of the necessity for environmental impact statements or public environment reports;

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- (b) authorizing the Minister to direct the preparation or obtaining, and the submission to the Minister, of statements to be known as environmental impact statements;
- (ba) authorizing the Minister to direct the preparation or obtaining, and the submission to the Minister, of reports to be known as public environment reports;
- (c) defining, or authorizing the Minister to determine, the matters to be dealt with by, and the form of, those statements and reports;
- (d) the making of those statements and public environment reports available, in cases or circumstances specified by or in accordance with the procedures, for public comment;
- (e) inquiries in accordance with this Act, and action to be taken in respect of reports resulting from such inquiries;
- (f) the revision of those statements and public environment reports;
- (g) the examination of those statements and public environment reports by or on behalf of the Minister and the making by or on behalf of the Minister of comments, suggestions or recommendations concerning the matters to which those statements and public environment reports relate, including suggestions or recommendations concerning conditions to which approvals, agreements and other matters should be subject; and
- (h) exemptions from all or any of the requirements of the procedures.

7 Orders to be notified and may be disallowed

- (1) Where an order is made by the Governor-General under section 6:
 - (a) notice shall be published in the *Gazette* of the order having been made, and of the place where copies of the order can be purchased;
 - (b) the order shall, subject to this section, take effect from the date of publication of the notice or, where another date is specified in the order, from the date specified; and

- (c) the order shall be laid before each House of the Parliament within 15 sitting days of that House after the making of the order.
- (2) If an order is not laid before each House of the Parliament in accordance with subsection (1), it ceases to have effect.
- (3) If either House of the Parliament, in pursuance of a motion of which notice has been given within 15 sitting days after an order has been laid before that House, passes a resolution disallowing the order or part of the order, the order or that part of the order, thereupon ceases to have effect.
- (4) If, at the expiration of 15 sitting days after notice of a motion to disallow an order or part of an order has been given in a House of the Parliament, being notice given within 15 sitting days after the order has been laid before that House:
 - (a) the notice has not been withdrawn and the motion has not been called on; or
 - (b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;the order, or part of the order, specified in the motion shall thereupon be deemed to have been disallowed.
- (5) If, before the expiration of 15 sitting days after notice of a motion to disallow an order or part of an order has been given in a House of the Parliament:
 - (a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and
 - (b) at the time of the dissolution, expiry or prorogation, as the case may be:
 - (i) the notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;the order or part of an order shall, for the purposes of subsections (3) and (4), be deemed to have been laid before that first-mentioned House on the first sitting day of that

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first-mentioned House after the dissolution, expiry or prorogation, as the case may be.

- (6) Where an order is disallowed, or is deemed to have been disallowed, under this section or ceases to have effect by virtue of the operation of subsection (2), the disallowance of the order or the operation of subsection (2) in relation to the order, as the case may be, has the same effect as a repeal of the order.
- (7) Where:
- (a) an order (in this subsection referred to as the *relevant order*) is disallowed, or is deemed to have been disallowed, under this section or ceases to have effect by virtue of the operation of subsection (2); and
 - (b) the relevant order repealed, in whole or in part, another order that was in force immediately before the relevant order came into operation;
- the disallowance of the relevant order or the operation of subsection (2) in relation to the relevant order, as the case may be, has the effect of reviving that other order from and including the date of the disallowance or the date on which the relevant order ceased to have effect by virtue of that operation of subsection (2), as the case may be, as if the relevant order had not been made.
- (8) A reference in subsection (6) or (7) to an order shall be read as including a reference to a part of an order.

7A Order not to be re-made while required to be tabled

- (1) Where an order (in this section called the *original order*) has been made, no order containing a provision being the same in substance as a provision of the original order shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an order containing a provision the same in substance as that provision of the original order.
- (2) The period referred to in subsection (1) is the period starting on the day on which the original order was made and ending at the end of 7 days after:

- (a) if the original order has been laid, in accordance with subsection 7(1), before both Houses of the Parliament on the same day—that day;
 - (b) if the original order has been so laid before both Houses on different days—the later of those days; or
 - (c) if the original order has not been so laid before both Houses—the last day on which subsection 7(1) could have been complied with.
- (3) If a provision of an order is made in contravention of this section, the provision has no effect.

7B Order not to be re-made while subject to disallowance

- (1) Where notice of a motion to disallow an order has been given in a House of the Parliament within 15 sitting days after the order has been laid before that House, no order containing a provision being the same in substance as a provision of the first-mentioned order shall be made unless:
- (a) the notice has been withdrawn;
 - (b) the order is deemed to have been disallowed under subsection 7(4);
 - (c) the motion has been withdrawn or otherwise disposed of; or
 - (d) subsection 7(5) has applied in relation to the order.
- (2) Where:
- (a) because of subsection 7(5), an order is deemed to have been laid before a House of the Parliament on a particular day; and
 - (b) notice of a motion to disallow the order has been given in that House within 15 sitting days after that day;
- no order containing a provision being the same in substance as a provision of the first-mentioned order shall be made unless:
- (c) the notice has been withdrawn;
 - (d) the order is deemed to have been disallowed under subsection 7(4);
 - (e) the motion has been withdrawn or otherwise disposed of; or
 - (f) subsection 7(5) has applied again in relation to the order.

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- (3) If a provision of an order is made in contravention of this section, the provision has no effect.
- (4) This section does not limit the operation of section 7A or 7C.
- (5) In this section:

order includes a part of an order.

7C Disallowed order not to be re-made unless resolution rescinded or House approves

If an order or a part of an order is disallowed, or is deemed to have been disallowed, under section 7, and an order containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an order, or a part of an order, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an order, or a part of an order, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the order or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

8 Duties of Ministers

Each Minister shall give all such directions and do all such things as, consistently with any relevant laws as affected by regulations under this Act, can be given or done by the Minister:

- (a) for ensuring that procedures for the time being approved under this Act are given effect to in and in connexion with matters dealt with by the Department administered by the Minister and that any authority of Australia in relation to which the Minister has ministerial responsibilities observes, and assists in giving effect to, those procedures; and

- (b) for ensuring that any final environmental impact statement or public environment report formulated in accordance with those procedures, and any suggestions or recommendations made in accordance with those procedures, are taken into account, in matters to which they relate, in the Department administered by the Minister and by any authority of Australia in respect of which the Minister has ministerial responsibilities.

9 Modification of operation of laws

Without prejudice to any right, power or duty of any authority of Australia, apart from this Act, to take into account matters relating to the environment in the exercise of any power or function, the regulations may:

- (a) make provision for or in relation to requiring or permitting a prescribed authority of Australia to take into account, either generally or in accordance with the regulations, matters affecting the environment in the taking of any action or the making of any decision or recommendation; and
- (b) prescribe matters necessary or convenient to be prescribed as incidental to provision so made, including matters relating to procedures and times;

and regulations so made have effect notwithstanding any other law.

10 Minister to furnish certain information

In respect of a particular matter of a kind referred to in any of the paragraphs of section 5, any person may, by notice in writing, require the Minister to inform the person in writing as to what action, if any, has been taken, or is proposed, for ensuring consideration of the environmental aspects of the matter, and the Minister shall as soon as practicable, and in any event within 3 months after the date of the notice, inform the person in writing accordingly.

11 Inquiries by Commissioners

- (1) For the purposes of procedures approved under this Act or for achieving the object of this Act, the Minister may direct that an inquiry be conducted in respect of all or any of the environmental aspects of a matter referred to in any of the paragraphs of section 5, whether or not an environmental impact statement or public environment report has, in accordance with procedures under this Act, been furnished to the Minister.
- (2) The Minister shall appoint a Commissioner or Commissioners to be a Commission to conduct an inquiry under this section and may appoint a person or persons to advise the Commission.
- (3) Where there is more than one Commissioner, the Minister shall appoint one of the Commissioners to preside at the inquiry.
- (3A) The Minister may direct a Commission to report its findings and recommendations within a reasonable period as specified in the direction.
- (4) The Commission:
 - (a) shall report its findings and recommendations to the Minister;
 - (b) where a period has been specified under subsection (3A)—shall so report within that period; and
 - (c) after so reporting, but subject to subsection (5)—shall make public those findings and recommendations.
- (5) The Commission shall not make public any evidence or matters in respect of which directions have been given under paragraph 14(2)(b) or matters the publication of which is excepted from subsection 14(5).
- (6) Subject to subsections (1) and (3A), a Commission is not subject to directions by the Minister, or otherwise by or on behalf of the Australian Government, in or in relation to the conduct of an inquiry.

12 Remuneration of Commissioners

- (1) A Commissioner shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, the Commissioner shall be paid such remuneration as is prescribed.
- (2) A Commissioner shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

13 Notice of inquiries

Before a Commission commences to hold an inquiry, the Commission shall give reasonable notice, by advertisement published in the *Gazette* and in such newspapers as it thinks necessary, of its intention to hold the inquiry, the subject of the inquiry and the time and place at which the inquiry is to be commenced.

14 Procedure at inquiries

- (1) Subject to this section, an inquiry by a Commission shall be held in public and evidence in the inquiry shall be taken in public on oath or affirmation.
- (2) Where a Commission is satisfied that it is desirable to do so in the public interest by reason of the confidential nature of any evidence or matter or for any other reason, the Commission may:
 - (a) direct that an inquiry or a part of an inquiry shall take place in private and give directions as to the persons who may be present; or
 - (b) give directions prohibiting or restricting the publication of evidence given before the Commission or of matters contained in documents lodged with the Commission.
- (3) A Commission may, if it thinks fit, permit a person appearing as a witness before the Commission to give evidence by tendering, and verifying by oath or affirmation, a written statement.

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- (4) Where a Commission considers that the attendance of a person as a witness before the Commission would cause serious hardship to the person, the Commission may permit the person to give evidence by sending to the Commission a written statement, verified in such manner as the Commission allows.
- (5) Where evidence is given to a Commission by a written statement in accordance with subsection (3) or (4), the Commission shall make available to the public in such manner as the Commission thinks fit the contents of the statement other than any matter as to which the Commission is satisfied that its publication would be contrary to the public interest by reason of its confidential nature or for any other reason.
- (6) Subject to this section, the regulations and orders under section 6:
 - (a) the procedure to be followed at an inquiry by a Commission is within the discretion of the Commission; and
 - (b) a Commission is not bound by the rules of evidence.
- (7) Nothing in this section derogates from any law relating to Crown privilege.

15 Power to summon witnesses

A Commissioner may, by writing signed by the Commissioner, summon a person to appear before the Commission at a time and place specified in the summons to give evidence and produce such books and documents (if any) as are referred to in the summons.

16 Failure of witness to attend

A person served with a summons to appear as a witness at an inquiry by a Commission shall not, without reasonable excuse:

- (a) fail to attend as required by the summons; or
- (b) fail to appear and report from day to day unless excused or released from further attendance by or on behalf of the Commission.

Penalty: \$1,000 or imprisonment for 6 months.

17 Power to administer oath or affirmation

A Commissioner may administer an oath or affirmation to a person appearing as a witness before the Commission.

18 Refusal to be sworn or to answer questions

A person appearing as a witness at an inquiry by a Commission shall not, without reasonable excuse:

- (a) refuse or fail to be sworn or to make an affirmation;
- (b) refuse or fail to answer a question that the person is required to answer by the Commissioner presiding at the inquiry; or
- (c) refuse or fail to produce a document that the person was required to produce by a summons under this Act served on the person.

Penalty: \$1,000 or imprisonment for 6 months.

19 Protection of Commissioners and witnesses

- (1) A Commissioner has, in the performance of the duties of a Commissioner, the same protection and immunity as a Justice of the High Court.
- (2) Subject to this Act, a person appearing before a Commission as a witness at an inquiry has the same protection, and is, in addition to the penalties provided by this Act, subject to the same liabilities, in any civil or criminal proceedings as a witness in proceedings in the High Court.

20 Contempt of court

A person shall not:

- (a) insult or disturb a Commissioner in the exercise of the powers or the performance of the functions or duties of a Commissioner;
- (b) interrupt an inquiry by a Commission;
- (c) use insulting language towards a Commissioner;

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- (d) create a disturbance, or take part in creating or continuing a disturbance, in or near a place where a Commission is holding an inquiry; or
- (e) do any other act or thing that would, if a Commission were a court of record, constitute a contempt of that court.

Penalty: \$1,000 or imprisonment for 6 months.

21 Powers of Commission in relation to documents produced

- (1) A Commissioner, or a person assisting a Commission and authorized by a Commissioner to do so, may inspect any books or documents furnished to the Commission for the purposes of the performance of its functions under this Act or produced at an inquiry and may make copies of, or take extracts from, those books or documents.
- (2) Books or documents so furnished may be retained by the Commission for such reasonable period as the Commission thinks fit.

22 Allowances to witnesses

A witness summoned under this Act to appear at an inquiry by a Commission is entitled to be paid by Australia such allowances for travelling and other expenses as are prescribed.

23 Witness not to be prejudiced

- (1) A person shall not:
 - (a) use violence to or inflict injury on;
 - (b) cause or procure violence, damage, loss or disadvantage to;
or
 - (c) cause or procure the punishment of;a person for or on account of the person's having appeared, or being about to appear, as a witness at an inquiry by a Commission or for or on account of any evidence given by the person before a Commission.

Penalty: \$1,000 or imprisonment for 6 months.

- (2) Without limiting the generality of subsection (1), an employer shall not:
- (a) dismiss an employee from his or her employment, or prejudice an employee in his or her employment, by reason that the employee has appeared as a witness, or has given any evidence, at an inquiry by a Commission; or
 - (b) dismiss or threaten to dismiss an employee from his or her employment or prejudice, or threaten to prejudice an employee in his or her employment, by reason that the employee proposes to appear as a witness or to give evidence at an inquiry by a Commission.

Penalty: \$1,000 or imprisonment for 6 months.

- (3) In any proceedings arising out of subsection (2):
- (a) if it is established that the employee was dismissed from, or prejudiced in, his or her employment and that, before the employee was so dismissed or prejudiced, the employee appeared as a witness, or gave any evidence, at an inquiry by a Commission—the burden lies on the employer of proving that the employee was not dismissed or prejudiced by reason that the employee so appeared as a witness or gave evidence; or
 - (b) if it is established that the employee was dismissed, or threatened with dismissal, from his or her employment, or was prejudiced, or threatened with prejudice, in his or her employment and that, before the employee was so dismissed, threatened with dismissal, prejudiced or threatened with prejudice, the employee proposed to appear as a witness, or to give evidence, at an inquiry by a Commission—the burden lies on the employer of proving that the employee was not so dismissed, threatened with dismissal, prejudiced or threatened with prejudice by reason that the employee proposed so to appear as a witness or to give evidence.
- (4) This section binds Australia as an employer, but does not render Australia liable to prosecution.

24 Power to enter on land etc.

- (1) A Commissioner, or a person acting with the authority of a Commissioner, may, with the consent of the occupier of any land, building or place, enter the land, building or place for the purposes of an inquiry under this Act.
- (2) Where a Commissioner has reason to believe that it is necessary or desirable for the purposes of an inquiry under this Act for the Commissioner, or a person authorized by the Commissioner, to enter any land, building or place, the Commissioner may make application to a Justice of the Peace for a warrant authorizing the Commissioner or that person to enter the land, building or place for the purposes of the inquiry.
- (3) If, on an application under subsection (2), the Justice of the Peace is satisfied by information on oath or affirmation that the issue of the warrant is reasonably required for the purposes of this Act, the Justice of the Peace may grant a warrant authorizing the Commissioner, or that person, with such assistance as the Commissioner or that person thinks necessary, to enter the land, building or place for the purposes of the inquiry.
- (4) A warrant under subsection (3) shall specify a date after which the warrant ceases to have effect.
- (5) Where a Commissioner, or a person acting with the authority of a Commissioner, enters any land, building or place in pursuance of subsection (1) or of a warrant granted under subsection (3) for the purposes of an inquiry under this Act, the Commissioner or the person may:
 - (a) inspect the land, building or place; and
 - (b) inspect any material on the land, or on or in the building or place.
- (6) A person shall not, without reasonable excuse, obstruct or hinder a Commissioner, or a person authorized by a Commissioner, acting in pursuance of a warrant granted under subsection (3) or in pursuance of subsection (5).

Penalty: \$200.

- (7) In this section, *occupier*, in relation to land, a building or a place, includes the person in charge of the land, building or place, as the case may be.

25 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Table of Acts**Notes to the *Environment Protection (Impact of Proposals) Act 1974*****Note 1**

The *Environment Protection (Impact of Proposals) Act 1974* as shown in this consolidation comprises Act No. 164, 1974 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Environment Protection (Impact of Proposals) Act 1974</i>	164, 1974	17 Dec 1974	17 Dec 1974	
<i>Environment Protection (Impact of Proposals) Act 1975</i>	36, 1975	19 May 1975	19 May 1975	—
<i>Statute Law Revision Act 1981</i>	61, 1981	12 June 1981	S. 115: Royal Assent (a)	—
<i>Statute Law (Miscellaneous Amendments) Act (No. 1) 1982</i>	26, 1982	7 May 1982	Part XXI (ss. 150 and 151): 4 June 1982 (b)	—
as amended by				
<i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i>	80, 1982	22 Sept 1982	Part LXXI (ss. 262 and 263): 4 June 1982 (c)	—
<i>Environment Protection (Impact of Proposals) Amendment Act 1987</i>	12, 1987	3 Apr 1987	1 June 1987 (see <i>Gazette</i> 1987, No. S106)	—
<i>Conservation Legislation Amendment Act 1988</i>	7, 1988	31 Mar 1988	31 Mar 1988	—
<i>Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988</i>	99, 1988	2 Dec 1988	2 Dec 1988	—
<i>Endangered Species Protection (Consequential Amendments) Act 1992</i>	195, 1992	21 Dec 1992	30 Apr 1993 (see s. 2 and <i>Gazette</i> 1993, No.S46)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Qantas Sale Act 1992</i>	196, 1992	21 Dec 1992	Schedule (Part 1): 10 Mar 1993 (see <i>Gazette</i> 1993, No. GN17) (d) Schedule (Part 5): 30 Aug 1995 (see <i>Gazette</i> 1995, No. S324) (d)	S. 2(6) (am. by 60, 1993, s. 4; 168, 1994, s. 3)
as amended by				
<i>Qantas Sale Amendment Act 1993</i>	60, 1993	3 Nov 1993	10 Mar 1993	—
<i>Qantas Sale Amendment Act 1994</i>	168, 1994	16 Dec 1994	S. 3 (item 17): Royal Assent (e)	—
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 4 (item 71): Royal Assent (f)	—
<i>Environmental Reform (Consequential Provisions) Act 1999</i>	92, 1999	16 July 1999	Schedule 3 (items 1-3): [see (g) and Note 2]	Sch. 1 (item 1), [see Note 2] Sch. 3 (items 2, 3) [see Note 2]

Act Notes

- (a) The *Environment Protection (Impact of Proposals) Act 1974* was amended by section 115 only of the *Statute Law Revision Act 1981*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (b) The *Environment Protection (Impact of Proposals) Act 1974* was amended by Part XXI (sections 150 and 151) only of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*, subsection 2(12) of which provides as follows:
- (12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (c) The *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982* was amended by Part LXXI (sections 262 and 263) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(11) of which provides as follows:
- (11) Parts XLIX and LXXI shall be deemed to have come into operation on 4 June 1982.
- (d) The *Environment Protection (Impact of Proposals) Act 1974* was amended by the Schedule (Parts 1 and 5) of the *Qantas Sale Act 1992*, paragraphs 2(2), (3)(a) and (c) of which provide as follows:
- (2) Subject to subsection (3), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.
 - (3) A Proclamation may fix a day that is earlier than the day on which the Proclamation is published in the *Gazette* but only if:
 - (a) in the case of sections 30, 31, 35, 37, 39, 43 and 50 and Parts 1 and 2 of the Schedule—the day is not earlier than the substantial minority sale day; and
 - (c) in the case of sections 25, 36, 38, 44 and 51 and Parts 5, 6 and 7 of the Schedule—the day is not earlier than the 100% sale day.
- (e) The *Qantas Sale Act 1992* was amended by section 3 (item 17) only of the *Qantas Sale Amendment Act 1994*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (f) The *Environment Protection (Impact of Proposals) Act 1974* was amended by Schedule 4 (item 71) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (g) The *Environment Protection (Impact of Proposals) Act 1974* was amended by Schedule 3 (item 1) only of the *Environmental Reform (Consequential Provisions) Act 1999*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences when the *Environment Protection and Biodiversity Conservation Act 1999* commences. [see Note 2]

Table of Amendments

Table of Amendments

ad. = added or inserted substituted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 3	am. No. 12, 1987; No. 196, 1992
S. 4	am. No. 12, 1987
S. 4A	ad. No. 7, 1988
S. 5	am. No. 36, 1975
S. 5A	ad. No. 195, 1992
S. 6	am. No. 12, 1987
S. 7	am. No. 26, 1982 (as am. by No. 80, 1982); No. 99, 1988
Ss. 7A-7C	ad. No. 99, 1988
S. 8	am. No. 12, 1987
S. 9	am. No. 61, 1981
Ss. 10, 11	am. No. 12, 1987
S. 12	am. No. 12, 1987; No. 43, 1996
Ss. 15, 16	am. No. 12, 1987
Ss. 18-20	am. No. 12, 1987
Ss. 22, 23	am. No. 12, 1987
S. 24	rs. No. 36, 1975 am. No. 12, 1987

Note 2

Note 2

Environmental Reform (Consequential Provisions) Act 1999 (No. 92, 1999)

The following amendments commence when No. 91 of 1999 comes into operation (16 July 2000 if not proclaimed earlier):

Schedule 1

1 Definitions

(1) In this Schedule:

action has the meaning given by the new Act.

Administrative Procedures means the administrative procedures approved by the Governor-General by order under the EPIP Act.

EPIP Act means the *Environment Protection (Impact of Proposals) Act 1974*.

EPIP activity means an activity:

- (a) described in subsection 5(1) of the EPIP Act; and
- (b) proposed before the commencement of the new Act to be undertaken; and
- (c) for which a proponent was designated under the Administrative Procedures before the commencement of the new Act.

finalised has the meaning given by item 2.

new Act means the *Environment Protection and Biodiversity Conservation Act 1999*.

(2) For the purposes of this Schedule, an action is *related to* an EPIP activity or a Commonwealth action (as defined in the Administrative Procedures) if the EPIP activity or Commonwealth action did, does, will or is likely to have the effect of permitting, causing, promoting or facilitating the action.

Schedule 3

Part 1-Repeal

1 The whole of the Act

Repeal the Act.

Part 2—Saving and transitional provisions

2 Definitions

In this Part:

Administrative Procedures means the administrative procedures approved by the Governor-General by order under the EPIP Act.

EPIP Act means the *Environment Protection (Impact of Proposals) Act 1974*.

EPIP activity means an activity:

- (a) described in subsection 5(1) of the EPIP Act; and
- (b) proposed before the commencement of the new Act to be undertaken; and
- (c) for which a proponent was designated under the Administrative Procedures before the commencement of the new Act.

new Act means the *Environment Protection and Biodiversity Conservation Act 1999*.

3 Continued application of EPIP Act to some EPIP activities

The EPIP Act, and all the instruments (including regulations and Administrative Procedures) made under it and in force immediately before the commencement of the new Act, continue to apply in relation to an EPIP activity described in item 3, 4, 5 or 8 of Schedule 1 to this Act, as if:

- (a) the EPIP Act had not been repealed; and

Note 2

- (b) the EPIP Act were administered by the Minister administering Part 3 of the new Act.

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