



## ENVIRONMENT PROTECTION

---

No. 64 of 1978

---

### ANALYSIS

1. Short title and citation.
2. Rights of appeal.
3. Jurisdiction.
4. Procedure.

\*\*\*\*\*

**AN ACT to amend the Environment Protection Act 1973.**

**[20 December 1978]**

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1—**(1) This Act may be cited as the *Environment Protection Act 1978*. Short title and citation.

(2) The *Environment Protection Act 1973\**, as subsequently amended, is in this Act referred to as the Principal Act.

---

\* No. 34 of 1973. Subsequently amended by No. 68 of 1975 and No. 65 of 1977.

Rights of  
appeal.

**2** Section 38 of the Principal Act is amended—

(a) by adding after subsection (1B) the following subsections:—

“(1C) Where a person who has applied for a licence under this Act appeals against the decision of the Director in regard to his application any person who lodged an objection under section 24 may intervene in the appeal by filing the notice referred to in subsection (1D) and shall, upon intervening, be a party to the appeal.

“(1D) A person may intervene in an appeal under subsection (1C) by filing a notice in the prescribed form with the clerk of the appeal board within the time prescribed for the filing of such notice.

“(1E) The clerk of the appeal board shall, within the prescribed time, serve the notice referred to in subsection (1D) on the Director, the appellant, and all other parties to the appeal, if any.

“(1F) Where a person who has applied for a licence under this Act appeals against the decision of the Director to the appeal board he shall, within the prescribed time, publish an advertisement containing a copy of the notice of appeal on two consecutive weeks in a newspaper circulating in the locality of the premises.”; and

(b) by adding at the end the following subsection:—

“(5) Where the Director is served with a notice of appeal under subsection (4), he shall, as soon as practicable, give notice of the appeal to any persons who objected to the application which is the subject of the appeal.”

Jurisdiction.

**3** Section 40 of the Principal Act is amended by adding the following subsections:—

“(7) Notwithstanding any other provision of this Act, the appeal board may grant leave to any person who was entitled to, but who did not, lodge an objection under section 24, to intervene in an appeal.

“(8) Any person who intends to apply for leave to intervene in an appeal under subsection (7) shall file the prescribed notice with the clerk to the appeal board within the prescribed time and shall serve a copy upon the Director, the appellant, and all other parties to the appeal, if any.

“(9) Any person who is granted leave to intervene in an appeal pursuant to subsection (7) becomes a party to the appeal.

“(10) If in the opinion of the appeal board it is just and convenient to do so, the appeal board may permit a person to intervene in an appeal under this section notwithstanding that notice has not been filed, or was not filed within the prescribed time.”.

**4** Section 41 of the Principal Act is amended—

**Procedure.**

- (a) by omitting from subsection (3) (a) the word “and”;
- (b) by adding at the end of subsection (3) (b) the word “and”; and
- (c) by adding after subsection (3) (b) the following paragraph:—
  - “(c) require further particulars to be supplied in respect of any appeal or intervention.”.

