



## ENVIRONMENT PROTECTION AMENDMENT ACT 1991

**No. 23 of 1991**

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

[Royal Assent 15 October 1991]

**B**E 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:—

#### Short title

**1**—This Act may be cited as the *Environment Protection Amendment Act 1991*.

**Commencement**

2—This Act commences on the day on which it receives the Royal Assent.

**Principal Act**

3—In this Act, the *Environment Protection Act 1973\** is referred to as the Principal Act.

**Section 7 amended (Environment Protection Advisory Council)**

4—Section 7 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsections:—

(2) The council shall consist of 11 members appointed by the Minister.

(3) The council shall consist of a chairperson, being a person nominated by the Department, and—

(a) one person nominated by each of the following bodies:—

(i) the Municipal Association of Tasmania;

(ii) the Tasmanian Conservation Trust;

(iii) the Tasmanian Trades and Labor Council; and

(b) 2 persons nominated by the Commonwealth Scientific and Industrial Research Organisation; and

(c) 2 persons nominated by the Tasmanian Industry Association for Environmental Control; and

(d) 3 persons nominated by the University of Tasmania, one of whom shall be a person having expertise in environmental studies.

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\* No. 34 of 1973. For this Act, as amended up to and including 1 January 1980, see the continuing Reprint of Statutes. Subsequently amended by Nos. 21, 48 and 94 of 1980, Nos. 9 and 64 of 1982, Nos. 29, 110 and 111 of 1984, Nos. 24, 81, 110 and 117 of 1985, No. 66 of 1987, No. 30 of 1989 and Nos. 5 and 40 of 1990.

(3A) The Minister may require a body referred to in paragraph (a), (b), (c) or (d) of subsection (3) to submit a nomination within a specified period.

(3B) If a body referred to in—

(a) subparagraphs (i) to (iii) of paragraph (a);  
or

(b) paragraph (b), (c) or (d)—

of subsection (3) fails to comply with subsection (3A), the Minister may nominate a person for the purposes of that subparagraph or paragraph, as the case requires.

(3C) If a body referred to in paragraph (a), (b), (c) or (d) of subsection (3) changes its name, the Governor may, by order, amend that paragraph by substituting the body's new name.

(3D) If a body referred to in paragraph (a), (b), (c) or (d) of subsection (3) ceases to exist—

(a) the Governor may, by order, amend that paragraph by substituting the name of a body which the Governor is satisfied substantially represents the interests represented by the body that has ceased to exist; and

(b) a member of the council who represents that body ceases to be a member of the council and the Minister may, on the recommendation of the other body referred to in paragraph (a) of this subsection, appoint a person to be a member of the council for the remainder of the term of the person who has ceased to be a member of the council.

### Section 9 amended (Committees)

5—Section 9 (4) of the Principal Act is amended by omitting “3 years” and substituting “2 years”.

### Section 55 amended (Regulations)

6—Section 55 of the Principal Act is amended as follows:—

(a) by omitting from subsection (1) “, on the recommendation of the council,”;

- (b) by omitting from subsection (6) “, on the recommendation of the Council,”.

**Schedule 2 amended (Provisions with respect to membership of Council)**

7—Schedule 2 to the Principal Act is amended by omitting from clause 2 “3 years” (twice occurring) and substituting “2 years”.

**Schedule 3 amended (Provisions with respect to meetings of Council)**

8—Schedule 3 to the Principal Act is amended as follows:—

- (a) by omitting from clause 1 “chairman” (twice occurring) and substituting “chairperson”;
- (b) by omitting from clause 2 “chairman” and substituting “chairperson”;
- (c) by omitting from clause 2 “3 members” and substituting “6 members”;
- (d) by omitting from clause 3 (1) “Four members” and substituting “Six members”;
- (e) by omitting from clause 4 (1) “chairman” and substituting “chairperson”;
- (f) by omitting from clause 4 (1) “he” and substituting “the chairperson”;
- (g) by omitting from clause 4 (2) “chairman” and substituting “chairperson”.

**Transitional**

9—The appointment of a person who was a member of the Environment Protection Advisory Council immediately before the commencement of this Act is terminated upon the commencement of this Act, but that person may be re-appointed as a member of the council in accordance with the Principal Act as amended by this Act.