



**ENVIRONMENT PROTECTION AMENDMENT ACT (No. 2)**  
**1984**

—————  
**No 111 of 1984**  
—————

TABLE OF PROVISIONS

<p>1. Short title.</p> <p>2. Commencement.</p> <p>3. Principal Act.</p> <p>4. Insertion in Principal Act of new sections 20, 20A, and 20B.            20—Rehabilitation of land and vegetation.            20A—Failure to comply with notice an offence.</p>	<p>20B—Certificate relating to rehabilitation of land and vegetation.</p> <p>5. Amendment of section 25 of Principal Act (Licences).</p> <p>6. Amendment of section 38 of Principal Act (Rights of appeal).</p> <p>7. Amendment of section 55 of Principal Act (Regulations).</p>
--	---

\*\*\*\*\*

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

[Royal Assent 21 December 1984]

**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**—This Act may be cited as the *Environment Protection Amendment Act (No. 2) 1984*. Short title.

**2**—(1) This section and section 1 shall commence on the day on which this Act receives the royal assent. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

Principal Act.

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

Insertion in Principal Act of new sections 20, 20A, and 20B. Rehabilitation of land and vegetation.

**4**—After section 19 of the Principal Act, the following sections are inserted:—

20—(1) A person who disturbs the surface of land or removes vegetation from the land during the operation of scheduled premises or in the course of any work or operation on the land shall—

(a) during the course of that work or operation, control erosion of the land and progressively rehabilitate the surface of the land and vegetation on the land; and

(b) where, on completion of that work or operation, such rehabilitation has not been completed, continue the rehabilitation for a period of 2 years after the completion of that work or operation or for such period as is necessary to ensure that the land is as free from erosion as is practicable and rehabilitation of the land is completed, whichever period is the shorter.

(2) Where—

(a) a person disturbs the surface of land or removes vegetation from the land during the operation of scheduled premises in respect of which a licence has been granted; and

(b) conditions have been attached to the licence relating to those scheduled premises under section 25 (2) (a) (v) to rehabilitate the surface of the land and the vegetation of the premises,

that person shall continue to comply with those conditions for a period of 2 years after that operation has ceased or for such period as is necessary to ensure that the land is as free from erosion as is practicable and rehabilitation of the land is completed, whichever period is the shorter.

\* No. 34 of 1973. For this Act, as amended to 1st January 1980, see the continuing Reprint of Statutes. Subsequently amended by Nos. 21, 48, and 94 of 1980, and Nos. 9 and 64 of 1982.

(3) Where the Director is satisfied that a person has failed to comply with subsection (1) or (2), he may, by notice in writing served on that person, require that person to comply, within such time as may be specified in the notice, with such directions specified in that notice as would, in the opinion of the Director, rehabilitate the surface of the land and the vegetation on that land.

(4) Without limiting the generality of subsection (3) and subject to subsection (5), the Director may specify in a notice under subsection (3) directions in respect of the land to which the notice relates to—

- (a) grade, level, or contour the surface of the land;
- (b) spread top soil and rip the subsoil of the land;
- (c) permit or assist the natural regrowth of vegetation on the land;
- (d) seed, plant, and maintain specified plant species on the land;
- (e) provide for the diversion, collection, or storage of rainwater or stormwater for the purpose of settling the sediment on the land; and
- (f) remove all structures, equipment, and waste materials from the land on the cessation of any work or operation on the land.

(5) The Director shall not, in a notice under this section relating to scheduled premises in respect of which a licence has been granted, specify any directions which are additional to any condition attached to the last or current licence relating to those scheduled premises.

(6) Where a notice has been served on a person pursuant to subsection (3), the Director may withdraw that notice by a further notice in writing served on that person.

(7) For the purposes of this section—

- (a) “work” or “operation” means a work or operation associated with any of the following:—
  - (i) mines;
  - (ii) quarries;
  - (iii) lime, gravel, sand, loam, soil, and clay pits; and

(b) a work or operation on land is deemed to be completed when, in the opinion of the Director, extraction operations on the land have ceased.

(8) This section applies to any work or operation on land which is recommenced after it is deemed to be completed pursuant to subsection (7) (b) as if the work or operation was a new work or operation.

Failure to  
comply with  
notice an  
offence.

20A—(1) A person who fails to comply with a direction specified in a notice under section 20 (3) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$10 000 and, in the case of a continuing offence, a further penalty not exceeding \$1 000 for each day during which the offence continues.

(2) It is a sufficient defence to a prosecution in respect of a failure to comply with a direction specified in a notice under section 20 (3) if the defendant satisfies the court that, at the time of service of the notice, he was and is taking all practicable means to control erosion of the land to which the notice relates and to progressively rehabilitate the surface of that land and vegetation on that land.

Certificate  
relating to  
rehabilitation  
of land and  
vegetation.

20B—(1) A person referred to in section 20 (1), 24 (1), or 31 (1), or the owner of the land to which the application relates, may make application to the Director for a certificate stating that, in the opinion of the Director—

(a) rehabilitation of the surface of land specified in that application and vegetation on that land have been completed; or

(b) where such rehabilitation has not been completed, failure to so complete is not such as to require rehabilitation.

(2) An application under subsection (1) shall be—

(a) in a form approved by the Director; and

(b) accompanied by the prescribed fee.

(3) Upon receipt of an application for a certificate under this section, the Director may—

(a) issue the certificate;

(b) serve a notice under section 20 (3); or

(c) inform the applicant in writing of the steps specified in a notice referred to in section 20 (3) which have not been complied with.

**5**—Section 25 (2) (a) (v) of the Principal Act is amended by omitting “restoration” and substituting “rehabilitation”. Amendment of section 25 of Principal Act (Licences).

**6**—Section 38 (1) (a) of the Principal Act is amended by inserting “or section 20” after “19”. Amendment of section 38 of Principal Act (Rights of appeal).

**7**—Section 55 (2) of the Principal Act is amended by inserting the following paragraph after paragraph (b):— Amendment of section 55 of Principal Act (Regulations).

(ba) rehabilitation of the surface of land and the vegetation on that land;

