

VICTORIA.



ANNO VICESIMO SEPTIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 9135.

An Act to require the Environmental Effects of certain Works to be assessed, and for other purposes.

[23rd May, 1978.]

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 Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Environment Effects Act* Short title.
1978.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

2. In this Act unless inconsistent with the context or Interpretations.
subject-matter—

“ Director ” means the Director of Conservation. “ Director.”

“ Proponent ” means the person or body who is carrying out or proposing to carry out any works. “ Proponent.”

“ Public works ” means works undertaken or proposed to be undertaken by or on behalf of the Crown or for public statutory bodies but does not include works undertaken by or on behalf of municipalities. “ Public works.”

“ Relevant

"Relevant Minister."

"Relevant Minister" means in respect of any works or proposed works, the Minister concerned with the undertaking of those works.

"Report."

"Report" means Preliminary Environment Report.

"Statement."

"Statement" means Environment Effects Statement.

"The Minister."

"The Minister" means the Minister for Conservation.

Application of Act.

3. (1) This Act applies to public works which could reasonably be considered to have or to be capable of having a significant effect upon the environment.

(2) Subject to sub-section (3) where there is doubt as to whether or not any works are works to which this Act applies, a decision of the Minister shall be final as to the application of this Act.

Where Ministers disagree in certain cases Governor in Council to decide.

(3) Where in the case of public works there is a disagreement which cannot be resolved between the relevant Minister and the Minister, as to whether the works are works to which this Act applies, the matter shall be submitted to the Governor in Council for his decision which shall be final.

(4) The Governor in Council may from time to time by proclamation published in the *Government Gazette* declare that this Act does not apply to any specified works or class of works.

Preliminary Environment Report and Environment Effects Statement.

4. (1) Before commencing any public works to which this Act does or could apply, or where that is not practicable as soon as possible after the commencement of those works, the proponent—

(a) shall, where he doubts whether the works are works to which this Act applies, cause a Preliminary Environment Report to be prepared and submit it to the Minister for his assessment of the environmental effects of the works and for his decision as to whether an Environment Effects Statement should be prepared ; or

(b) shall, where he is of the opinion that the works are works to which this Act applies, cause an Environment Effects Statement to be prepared, and submit it to the Minister for his assessment of the environmental effects of the works.

(2) A copy of every report or statement shall be submitted to the relevant Minister by the proponent.

(3) A report or statement under this Act shall be prepared and submitted at the expense of the proponent of the works.

(4) The Director shall, if requested by a proponent, give such advice and assistance (including technical advice and assistance) as he deems fit to enable a proper preparation of a report or statement.

5. The Minister may at any time call for a supplementary report or statement (whichever is applicable) containing such additional information as he considers necessary for the making of his assessment or decision.

The Minister may call for supplementary report or statement.

6. (1) In any case where a report or statement has not been submitted to the Minister and the Minister is of the opinion that the works may be works to which this Act applies, he may call for a report or statement, and if so, the provisions of this Act shall apply accordingly.

The Minister may call for a report.

(2) In any case where a report or statement has been submitted to the Minister no works referred to therein shall be commenced or proceeded with until the assessment of the Minister with regard to the environmental effects has been considered by the relevant Minister.

Works not to proceed &c. until consideration of the Minister's assessment.

(3) The Minister shall provide the assessment as soon as reasonably practicable in the circumstances of the case.

7. (1) Any relevant Minister may, in regard to any decision or action required to be taken by him in his capacity as such, cause an Environment Effects Statement to be prepared by an officer of his Department or by any body for which he is responsible, and may submit the statement to the Minister for his assessment.

Any Minister may cause a statement to be prepared.

(2) After considering the statement the Minister may give such advice and assistance as he deems fit to enable an appropriate decision or action to be taken by the relevant Minister.

8. (1) Where any person or body is required by any Act or law to make a decision which could have a significant effect upon the environment the person or body required to make the decision may and shall, if so requested by the Minister responsible for the administration of the Act or law, seek the advice and assistance of the Minister who may give such advice and assistance as he deems fit to enable that decision to be made.

Advice of Minister may be sought by certain bodies &c.

(2) If the Minister advises the person or body that a Preliminary Environment Report or Environment Effects Statement should be prepared the works shall be deemed to be works to which this Act applies and the works shall not proceed and no decision shall be made until the report or statement, as the case may be, has been prepared and an assessment of the environmental effects of the works has been made and considered by that person or body.

(3) Where by any Act or law the decision of a person or body referred to in sub-section (1) is required to be made by a certain date or within a certain period, then, notwithstanding anything to the contrary in that Act or law, where the person or body seeks the advice and assistance of the Minister pursuant to sub-section (1), the Act or law shall be read and construed as if that certain date was a date one month after the receipt of the assessment.

(4) The

(4) The Director shall, if requested by a proponent, give such advice and assistance (including technical advice and assistance) as he deems fit to enable a proper preparation of a report or statement.

(5) The Minister shall provide the assessment as soon as reasonably practicable in the circumstances of the case.

Minister may
cause inquiries
to be held.

9. (1) The Minister may, with the approval of the Governor in Council, appoint one or more persons to hold an inquiry (whether in public or in private as he sees fit) into the environmental effects of any works or proposed works to which this Act applies.

(2) The Minister may at any time invite and receive comments on the environmental effect on any works or proposed works from the public in general or from such sections of the public as are determined by him.

Guidelines.

10. The Minister may from time to time lay down guidelines for or with respect to any matters he considers expedient to enable the carrying out of this Act, and without in any way affecting the generality of the foregoing, for or with respect to—

- (a) the main types of works or proposed works which could require the preparation of an Environment Effects Statement ;
- (b) procedures to be followed by proponents ;
- (c) matters which should be contained in a Preliminary Environment Report or an Environment Effects Statement ;
- (d) any information or other matter he considers could be of assistance.