

# ENVIRONMENT PROTECTION (IMPACT OF PROPOSALS) ACT 1975

No. 36 of 1975

An Act to amend the *Environment Protection (Impact of Proposals) Act* 1974.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Environment Protection (Impact of Proposals) Act* 1975.<sup>1</sup> Short title and citation.

(2) The *Environment Protection (Impact of Proposals) Act* 1974<sup>2</sup> is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Environment Protection (Impact of Proposals) Act* 1974-1975.

2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup> Commencement.

3. Section 5 of the Principal Act is amended by inserting in sub-section (2), before the word “financial”, the word “direct”. Object of Act.

4. Section 24 of the Principal Act is repealed and the following section substituted:—

“24. (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. Power to enter on land, &c.

“(2) Where a Commissioner has reason to believe that it is necessary or desirable for the purposes of an inquiry under this Act for him, or a person authorized by him, 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 sub-section (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 he thinks necessary, to enter the land, building or place for the purposes of the inquiry.

“(4) A warrant under sub-section (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 sub-section (1) or of a warrant granted under sub-section (3) for the purposes of an inquiry under this Act, he 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 sub-section (3) or in pursuance of sub-section (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.”

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#### NOTES

1. Act No. 36, 1975; assented to 19 May 1975.
2. Act No. 164, 1974.