

ENVIRONMENTAL LEGISLATION

DIRECTORY



*BULLETIN No. 18*

DEPARTMENT OF CONSERVATION AND ENVIRONMENT

PERTH, W.A.

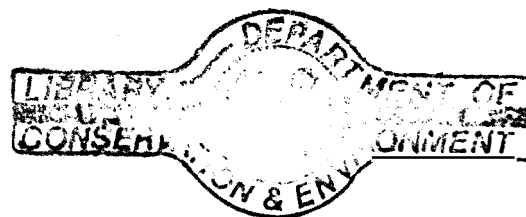
SEPTEMBER 1976



Department of  
**CONSERVATION and ENVIRONMENT**

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It is now three years ago that a compilation of environmental legislation in Western Australia, initially prepared for internal use, was made available to the general public.

The response to that compilation, together with an increasing awareness and consciousness of environmental and conservation matters has led to the updating, revision and enlarging of the original document to this Environment and Conservation Directory.

Brian J. O'Brien  
DIRECTOR

1 September 1976

## PART 2: OTHER LEGISLATION

The following section lists environmental aspects of other Western Australian legislation. Further information may be obtained from the Department or Authority listed in the third column.

## AIR POLLUTION--INDUSTRIAL SOURCES

### CLEAN AIR ACT 1964-1971

#### Section 23

Occupiers of premises being used for brick tile or pottery works, cement manufacturing works, chemical manufacturing works, coal or oil and gas works, lime manufacturing works, metallurgical works reclaiming metal from scrap or smelting or converting ores to metal and oil refineries on which there is any boilers, coke ovens or furnaces must obtain a license from the Air Pollution Control Council.  
PENALTY: \$200 plus \$40 for each day the offence continues.

Public Health Department

#### Section 32

Occupiers of above premises shall not cause or suffer the emission of dark smoke from chimneys.  
PENALTY: \$200 plus \$40 for each day the offence continues.

#### Section 33

Occupiers of any premises shall not cause or permit the emission of air impurities above the prescribed rate.  
PENALTY: \$200 plus \$40 per day for continued offence.

#### Section 36

Occupier of any premises shall not cause or permit the emission of dark smoke. Emissions of smoke shall not last longer than prescribed periods each day.  
PENALTY: \$200 plus \$40 per day of continued offence.

### HEALTH ACT 1911-1975

#### Section 194

The Governor may prohibit erection of dwellings near places of trades omitting dust, fumes, vapour etc.

Public Health Department  
or

#### Section 112A

Burning of trade refuse in such a manner that the smoke causes a nuisance is an offence.  
PENALTY: Up to \$40.

Local Authority.

#### Section 402

Chimney shafts of mills, manufactories, refuse destructors, incinerators are not to be used so as to cause a nuisance or annoyance to persons dwelling in the neighbourhood of the premises.  
PENALTY: Up to \$200

Local Authorities.

### METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959-1975

Through zoning of industrial areas a preventive control of pollution sources is obtained.

Town Planning Department

### TOWN PLANNING AND DEVELOPMENT ACT 1928-1975

### INDUSTRIAL LANDS DEVELOPMENT AUTHORITY ACT 1966-1972

Through zoning of industrial areas a preventive control of pollution sources is obtained. Some industrial agreements contain special clauses relating to the environment.  
A listing of all current agreement Acts may be found in Government Gazette 2/7/76. P.2280

Department of Industrial  
Development.

### Various Industrial Agreement Acts.

## AIR POLLUTION-DOMESTIC SOURCES

### HEALTH ACT 1911-1975

Section 112A(4)

Any occupier of premises who disposes of any house or trade refuse or other rubbish on those premises in such a manner as to permit the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause a nuisance to other persons commits an offence - PENALTY up to \$40.

Public Health De  
or  
Local Authority.

### ROAD TRAFFIC ACT 1974-1976

Vehicle Standards Regulations

Reg.1201

All parts and fittings of a vehicle to be maintained in such condition as to be unlikely to cause danger or annoyance to any person by smell or the projection of an undue amount of smoke.

Road Traffic Autl

Reg.1202

The lubrication and the working mixture of the motor of a motor vehicle shall be so controlled that no undue amount of smoke is projected from the exhaust or from any other part. PENALTIES: 1st Offence - Up to \$100, Subsequent Offences - Up to \$200.

## WATER POLLUTION-OPEN WATERS

### RIGHTS IN WATER AND IRRIGATION ACT 1914-1974

#### Section 10

Any person throwing or conveying any rubbish, dirt or filth or filthy water into any river, creek, stream, watercourse, lake, lagoon or swamp commits an offence.  
PENALTY: Up to \$200

Public Works Department

#### Section 27A

A person shall be guilty of an offence if he causes or knowingly permits the discharge of pollutants into any watercourse, lake, lagoon, or swamp, or impedes the proper flow of those waters in such a manner that pollution is aggravated.  
PENALTY: Up to \$1000 and \$100 for each day on which the offence continues.  
The Minister may issue disposal licences under the conditions of Part III A of the Act.

### PORT AUTHORITY ACTS FOR ALBANY, BUNBURY, ESPERANCE, FREMANTLE, GERALDTON AND PORT HEDLAND

#### Sections 67,67,72,75,72 and 70 respectively.

It is an offence to cast from on board any ship or from the land any ballast rocks or stones onto tidal land or into a part which would lead to the injury of shipping.  
PENALTY: Up to \$100 in all parts except Fremantle  
Fremantle: Up to \$40.

Port Authorities.

### SWAN RIVER CONSERVATION ACT 1958-1966

#### Section 30

A person who causes the discharge of sewage or any other liquid or solid matter which may impair the physical, chemical or biological condition of the waters of the Swan River or the Foreshore except where authorised by permit commits an offence.  
PENALTY: Up to \$100 plus up to \$20 per day offence continues after service on the offender of written notice of the offence.

Swan River Conservator

#### Section 31

A person who uses the waters of the Swan River for industrial purposes or who carries out any work in or on or under the waters or the foreshores including dredging, draining and river training and construction of jetties, wharves and bridges without a permit commits an offence.  
PENALTY: Up to \$40 plus \$4 per day.

#### Regulation 17

No wastes shall be discharged into the waters of the Swan River if it is reasonably practicable to dispose of them in some other manner. Any wastes discharged must not contain:-

- a) Sewage
- b) Acidity or alkalinity between pH5 and pH9
- c) Poisons
- d) Any substance likely to contribute to the formation of sludge, scum or odours or which is likely to be injurious.

PENALTY: Max. \$20 plus 50c per day.

#### Regulation 21

Any person depositing rubbish or litter in or on waters or foreshores where it may become a source of pollution commits an offence.  
PENALTY: Max. \$20 plus 50c per day.

## WATER POLLUTION-SEWERAGE, EFFLUENTS AND DRAINAGE

### HEALTH ACT 1911-1975

Section 53

Local Authorities have power to construct and maintain sewers within their respective districts.

Public Health  
or  
Local Authorities

Section 195

Every slaughterhouse and premises shall be provided with impervious drains and receptacles for blood, offal etc.  
PENALTY: Up to \$40.

### LOCAL GOVERNMENT ACT 1960-1975

Sections 315,365-370

Local Authorities have power to construct and maintain sewers within their district.

Local Authorities

### COUNTRY TOWNS SEWERAGE ACT 1948-1973

Section 24

Minister for Water Supplies is authorised to construct, maintain or control sewerage works.

Public Works I

All sewers shall be kept properly cleared, cleansed, flushed and emptied so as not to be a nuisance or injurious to health.

### METROPOLITAN WATER SUPPLY SEWERAGE AND DRAINAGE ACT 1909-1973

Section 32

The Minister for Water Supplies is authorised to construct, maintain or control sewerage works.

Metropolitan W  
Sewerage and I

All sewers shall be kept properly cleared, cleansed, flushed and emptied so as not to be a nuisance or injurious to health.

### ABATTOIRS ACT 1909-1975

Section 6(j)

The Governor may make regulations regarding the removal and disposal of blood offal and filters in abattoirs.

W.A. Meat Com

### LAND DRAINAGE ACT 1925-1972

Act provides for the drainage of land and the constitution of drainage districts and Boards.

Drainage board

### METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959-1976

Control of pollution sources through zoning of industrial areas.

Town Planning

### TOWN PLANNING AND DEVELOPMENT ACT 1928-1975

Control of pollution sources through zoning of industrial areas.

Town Planning

### INDUSTRIAL LANDS DEVELOPMENT AUTHORITY ACT 1966-1972

Control of pollution sources through zoning of industrial areas and provisions in agreement.

Department of  
Deve

### Various Industrial Agreement Acts

A listing of all Industrial Agreement Acts may be found in Government Gazette 2/7/76, P 2280.

# WATER POLLUTION-WATER SUPPLIES

## COUNTRY AREAS WATER SUPPLY ACT 1947-1974

Sections 12 and 105

Powers for the prevention of pollution of water within a catchment area or water reserve and powers to make by-laws to that end.

Public Works Department

Section 45b

Any person who causes or permits any pipe or receptacle or other fitting used in connection with the supply of water to be used so that the water supplied is contaminated commits an offence.  
PENALTY: \$100.

## METROPOLITAN WATER SUPPLY SEWERAGE AND DRAINAGE ACT 1909-1975

Sections 17 and 146

Powers for the prevention of pollution of water within a catchment area or water reserve and powers to make by-laws to that end.

Metropolitan Water S  
Sewerage and Drainage

Section 53

Any person who fails to repair any pipe fitting etc. used in connection with water supplied by the M.W.S.S. & D. Board so that the water is likely to be contaminated shall pay to the Board \$20 plus \$4 for every day such default continues.

## WATER BOARDS ACT 1904-1973

Sections 37 and 141(3)

Powers for the prevention of pollution of water within a catchment area or water reserve and powers to make by-laws to that end.

Public Works Department

Section 72

Any person who fails to repair any pipe fitting etc. used in connection with water supplied by the Board so that the water is likely to be contaminated shall pay to the Board \$20.

## HEALTH ACT 1911-1975

Section 129

Any person who defiles or pollutes any water supply, or the catchment area thereof commits an offence. "Water supply" includes any river, stream, water-course, creek, swamp, water hole, well, tank, lake or reservoir containing water intended or available for human consumption.  
PENALTY: Up to \$200 or up to 6 months imprisonment

Public Health Department  
or  
Local Authority.

Section 182(1)

Any person who keeps a pool, ditch, gutter, water-course or sanitary convenience in such a state of foulness or disrepair as to be offensive or dangerous to health incurs a penalty of \$2 per day for every day that the state continues after a requisition to repair or remove the offence is received.

## FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1966

Section 9

No person or water supply authority may add fluorine to any public water supply except pursuant to and in accordance with the direction of the Minister.  
PENALTY: \$1000 plus \$40 per day on which the offence continues after conviction.

Public Health Department

## CRIMINAL CODE ACT 1913-1975

Section 208

Any person who places any poisonous or noxious matter in any water hole sufficient to render the water unfit for human consumption or unfit for consumption by animals commits a misdemeanour.  
PENALTY: Imprisonment with hard labour for 2 years or Summary conviction before 2 Justices with penalty of six months imprisonment with hard labour.

Crown Law Department.

## POLICE ACT 1892-1975

Section 106

Every person who casts any bottles, earthenware, filth, rubbish or noxious substance into any water-course, drain, river, canal or reservoir commits an offence.  
PENALTY: Up to \$40 plus the cost of removing such filth or obstruction.

Police Department.

## RIGHTS IN WATER AND IRRIGATION ACT 1914-1974

Section 27A

A person shall be guilty of an offence if he causes or knowingly permits the discharge of pollutants into any subterranean water source,  
PENALTY: Up to \$1000 and \$100 for each day on which the offence continues.  
The Minister may issue disposal licences under the conditions of part III A of the Act.

Public Works Department



# OIL POLLUTION

PREVENTION OF POLLUTION OF  
WATERS BY OIL ACT 1960-1967

Section 5

Any person allowing the discharge of oil either from a ship or from land into navigable waters within the jurisdiction commits an offence.  
PENALTY: \$50,000.

Public Works Dep

PETROLEUM ACT 1967

Section 91

A permittee or licensee carrying out petroleum exploration and recovery operations shall prevent the waste or escape of petroleum or water.  
PENALTY: \$2,000.

Department of Mi

PETROLEUM (SUBMERGED LANDS)  
ACT 1967

Section 97

Persons carrying out petroleum exploration and recovery operations on submerged lands shall prevent the waste or escape of water.  
PENALTY: \$2,000.

Department of Min

PETROLEUM PIPELINES ACT 1969

Section 37

A licensee shall not permit or suffer the waste or escape of any petroleum of a pipeline.  
PENALTY: \$2,000 for each day on which the offence occurs.

Department of Min

## NOISE POLLUTION

### NOISE ABATEMENT ACT 1972

The Act sets up a Noise and Vibration Control Council and a Noise Abatement Advisory Committee whose functions are to control excessive noise and vibration and to encourage investigation and research into the problems arising from excessive noise and vibration.

Public Health Depart

#### Section 7

Any person causing a noise or vibration which is injurious to health or which occurs or continues to such a degree and extent that it has a disturbing effect on the state of reasonable physical, mental or social well-being of a person commits an offence.  
PENALTY: 1st offence \$50, Subsequent offences \$250  
\$25 per day for an offence continuing after conviction.

### POLICE ACT 1892-1975

#### Section 98

Every householder may require any street musician to depart from the neighbourhood of his house on account of the illness of any inmate of the house or for any reasonable cause and any person who sounds on any musical instrument after being so required to depart shall be liable to a penalty of up to \$20.

Police Department.

#### Section 99

The firing of a cannon or any other large calibre fire-arm within 300 yards of any dwelling house within a city or town to the annoyance of any inhabitant is an offence if the firing continues after being warned of the annoyance.  
PENALTY: Up to \$40.

### ROAD TRAFFIC ACT 1974-1976

#### Vehicle Standards Regulations

Provides that an efficient exhaust silencer shall be fixed to every motor vehicle.

Road Traffic Authori

#### Reg. 1008,1203

Provides for the prevention of avoidable noise or vibration caused by any motor vehicle.  
PENALTIES: 1st offence - Up to \$100  
Subsequent offences - Up to \$200.

## VISUAL POLLUTION

### LOCAL GOVERNMENT ACT 1960-1976

Section 244A

The Governor may make by-laws in relation to the prohibition, regulation, control and removal of advertisements and advertising structures.

Local Authorities.

Section 377(1)

No person shall deposit stones, bricks, lime rubbish, timber, iron or other materials on a street or other public place without a license from the local authority.  
PENALTY: Max. \$200 plus \$8 per day offence continues.

Section 402

No person shall construct a chimney shaft of a mill or factory to such a height that it becomes a nuisance or annoyance.  
PENALTY: Max. \$200 plus \$10 per day.

Section 409

A council may require the owner of a building being dilapidated in appearance as to be out of conformity with the general standard of appearance to bring the appearance of the building into conformity with the general standard of the surrounding area.  
PENALTY: Costs and expenses of repairs.

Section 665A

Any person who a) breaks any glass, metal or earthenware or  
b) deposits any refuse or litter other than in a receptacle provided in or upon any street or public place or public reserve commits an offence.  
PENALTY: \$200.

### MAIN ROADS ACT 1970-1975

Section 15A(2)

No person shall deposit any litter upon any highway or main road.  
PENALTY: \$200.

Main Roads Department

Section 33B

Control of aesthetically objectionable advertisements along hoardings on highway, main roads or secondary road.

### Control of Advertisements Regulations

Reg.7

Any person who without the written consent of the Commissioner erects or displays any advertisement sign, hoarding or other advertising structure on or in the vicinity of any main road or controlled access road commits an offence.  
PENALTY: \$40.

Reg.9

Any person who fails to comply with a direction by the Commissioner to remove or alter an existing sign, hoarding or structure commits an offence.  
PENALTY: Up to \$40.

## SOLID WASTE

### HEALTH ACT 1911-1975

Section 112

When the Commissioner for Health so requires a local authority shall be responsible for the removal of house and trade refuse and other rubbish from premises.

Public Health Department  
or  
Local Authority.

Section 115

All refuse rubbish, sewerage and waste matter shall be rendered innocuous by some method prescribed by the Commissioner before being sold or otherwise disposed of other than by destroying it.

### MARINE STORES ACT 1902-1963

Collectors of marine stores must be licensed. Marine Stores are partly manufactured metal goods, second hand anchors cables sails, old junk, rags, bones, bottles, jute goods and scrap metal.

Police Department.

### POLICE ACT 1892-1975

Section 96(17)

Every person who throws any litter or rubbish or broken glass onto any street commits an offence.  
PENALTY: \$40

Police Department.

### PUBLIC WORKS ACT 1902-1974

Section 93

The Minister and any local authority may remove from any river, stream or watercourse any earth, stone refuse and drift wood and may for this purpose have the free right to ingress and egress on any land on the banks of any such river stream or watercourse.

Public Works Department

## FORESTRY AND FLORA

### NATIVE FLORA PROTECTION ACT 1935-1938

Section 6

Any person who picks a protected plant in a specified area commits an offence.  
PENALTY: 1st offence up to \$20, 2nd offence \$40, 3rd offence \$60.

Forests Depart

Provided that the section does not apply where such wildflower or native plant is picked on any private land with the consent of the owner lessee or licensee thereof.

Proclamation Government  
Gazette 16/8/63.

All wildflowers and native plants are protected in or on any Crown lands, State Forests, lands reserved for a public purpose and every road within the S. W. and Eucla divisions of the State. The Sturt Pea and Currant or Maroon Bush is protected throughout the State.

Section 17

Any person who sells any protected wildflower or native plant is guilty of an offence.

Section 8

Any person who on any Crown Lands, State Forests, lands reserved for a public purpose or any private land of which he is not the owner or lessee destroy or mutilates the following plants commits an offence:

Black Kangaroo Paw  
Red Bugle  
Kangaroo Paws  
All Orchids  
Christmas tree  
Pitcher Plant  
Chapman River Orange  
Climber  
Rainbow Plant  
Hovea  
Sturt Pea  
Kennedy  
Leschenaultia  
Boronia  
Crawea  
Native Rose  
Hibiscus  
Qualup Bell  
Wax Plants  
Mountain Bells  
Morrison  
Southern Cross  
Flannel  
Native Foxglove

Section 9

Any person who sells any wildflower which shows evidence that it has been destroyed or mutilated in the obtaining of it commits an offence.

### FORESTS ACT 1918-1974

Section 45

Any person who without lawful authority fells, cuts, injures, destroys or removes in or from any State Forest or Crown land any forest produce is guilty of an offence.  
PENALTY: Up to \$400 or 1 years imprisonment.

Forests Departm

Section 46

Any person who lights a fire within a boundary of or within 20 yards of any boundary of a State Forest and forest produce is burnt or injured is guilty of an offence.  
PENALTY: Up to \$400 or 1 years imprisonment.

### LAND ACT 1933-1972

Section 105

A pastoral lease shall give no right to the timber except to such timber as may be required for domestic purposes.

Department of I

Section 1017

A pastoral lessee desiring to ring-bark trees on his lease shall first obtain permission to do so from the Minister and any lessee who ring-barks without permission shall render his lease liable to forfeiture.

### WILDLIFE CONSERVATION ACT 1950-1975

Section 28

The Governor may make regulations for the protection of indigenous flora in nature reserves and wildlife sanctuaries.

Department of I  
W.

# FAUNA

## WILDLIFE CONSERVATION ACT 1950-1975

Section 14

All fauna throughout the State is protected at all times except as declared by the Minister in the Government Gazette.  
The Minister may declare a closed and open season for the taking of fauna.  
The Minister may grant licenses to kill possums.

Department of Fisheries  
Wildlife.

Section 17

Unless by authority of a license no person shall:

- a) conduct a farm for the purpose of breeding or raising indigenous fauna
- b) export fauna from WA
- c) sell any fauna
- d) bring into the State any bird or animal whose habits on nature may become injurious to fauna.

PENALTY: \$400 max.

'Fauna' is defined as - the vertebrate fauna which is wild by nature and is ordinarily found in a condition of natural liberty whether indigenous or reproduced and includes terrestrial or marine mammals, birds, reptiles and frogs and the while or part of the skin, plumage, body, eggs, nests, young and offspring and further includes fauna kept or bred in captivity or confinement.

Section 28

The Governor may make regulations providing for the protection of fauna in nature reserves and wildlife sanctuaries.

## FISHERIES ACT 1905-1975

The Governor may make regulations providing for management and protection of fisheries, including closing of waters, and aquatic plant life. 'Fish' is defined as "all or any of the varieties of marine or fresh water fishes and crustacea or marine animal life".

Department of Fisheries  
Wildlife.

Section 26A

Where in the opinion of the Minister spraying, dusting, injecting or any other activity is likely to affect the aquatic environment he may prohibit this.

Section 36A

The Governor may by proclamation declare fish of any species and eggs of such fish to be noxious.  
A person cultivating, releasing or keeping such fish commits an offence.  
PENALTY: 1st offence \$1000, subsequent offences \$10,000.

## POLICE ACT 1892-1985

Section 58A

Wilful or wanton damage or injury to any beast, bird, reptile, fish or other living creature or egg or spawn thereof in any place used for public or recreation purposes is an offence.  
PENALTY: Up to \$50 or 6 months imprisonment.

Police Department.

Section 97

Every person who shall wilfully injure or destroy or attempt to injure or destroy any native birds or animals on any park or public road or reserve shall commit an offence.  
PENALTY: Up to \$50 or 6 months imprisonment.

## FORESTS ACT 1918-1974

Section 45

Any person who injures destroys or removes in or from a State forest or other Crown land any indigenous animals or birds commits an offence.  
PENALTY: Up to \$400 or 1 year imprisonment.

Forests Department.

## HALING ACT 1937-1973

Section 9

A person shall not take or kill

- a) any right whale
- b) any calf or suckling whale or immature whale
- c) any female whale accompanied by a calf.

PENALTY: \$400 or 3 months imprisonment or both.

Department of Fisheries &  
Wildlife.

BUSH FIRES ACT 1954-1973

Section 16

Act generally gives powers to the Bush Fires Board to diminish the dangers resulting from bush fires and the prevention and control of such.

No person may set fire to the bush on any land within an area prescribed by the Minister except between 31st May and 1st October.  
PENALTY: Between \$20 - \$400 or 3 months imprisonment.

Section 17

The Minister may declare other areas of the State to come within Prohibited Burning Times. Any person who sets fire to the bush on such land during prohibited burning times commits an offence.  
PENALTY: Between \$20 - \$400 or 6 months imprisonment or both.

LOCAL GOVERNMENT ACT 1960-1976

Section 516A

If a tree constitutes a danger to persons or property on land adjoining the land on which the tree is situated, the council may serve notice on the owner requiring him to render the tree safe. In default of compliance the council may remove the tree or part of it after 35 days. The owner may appeal to the Minister within 30 days.

Local Authorities

MAIN ROADS ACT 1930-1975

Section 15A

No person shall damage or destroy any tree shrub or wildflower in or upon any main road except when such action is taken to remove a hazard.  
PENALTY: \$200.

Main Roads Department

POLICE ACT 1812-1975

Section 58A

Any person who wilfully or wantonly damages injures or destroys any garden flower bed tree shrub plant or flower in a place used as a garden for zoological botanical or acclimatization purposes or for public resort and recreation commits an offence.  
PENALTY: Up to \$50 or 6 months imprisonment.

Police Department

Section 96(18)

Any person who picks or injures any flowers, fruit, shrubs or trees in any public or private garden except with the consent of the owner commits an offence.

PARKS AND RESERVES ACT  
1895-1972

Section 8(1)

A Board may make by-laws prohibiting damage or injury to trees shrubs plants and flowers in parks lands and reserves.

Department of Land  
Surveys

NATIONAL PARKS AUTHORITY ACT  
1976

Section 41(j)

The Authority may make regulations in respect of the taking, disturbance of, interference with or injury of flora, as well as the burning or clearing of flora.

National Parks Authority

ZOOLOGICAL GARDENS ACT 1972

Section 14

The Board may make by-laws prohibiting damage or injury to and destruction of shrubs, plants or flowers in a zoological garden.

Zoological Gardens

PLANT DISEASES ACT 1914-1974

Section 5

Governor may by proclamation prohibit the bringing into the State any plant, fruit or other thing likely to introduce any disease into the State.

Department of Agriculture

AERIAL SPRAYING CONTROL ACT  
1966-1972

Section 19

The Governor may make regulations prohibiting aerial spraying in conditions that are likely to result in the spray drifting.  
MAX PENALTY: \$400 or 6 months imprisonment or both

Department of Agriculture

Regulations 10-14

Pilot shall not cause spray drift  
PENALTY: \$400 or 6 months imprisonment or both.

## URBAN PLANNING

METROPOLITAN REGION TOWN  
PLANNING SCHEME ACT 1950-1976

Planning and development of land within the metro-  
politan area.

Town Planning Depart

TOWN PLANNING AND  
DEVELOPMENT ACT 1928-1975

Planning and development of land for urban,  
suburban and rural purposes.

Town Planning Depart  
or  
Local Authority.

METROPOLITAN REGION  
IMPROVEMENT TAX ACT 1959-1966

Imposing of Metropolitan Region Improvement Tax.

Town Planning Depart

INDUSTRIAL LANDS DEVELOPMENT  
AUTHORITY ACT 1966-1972

Management of industrial development areas under  
the control of the authority.

Department of Indust  
Development

Various Industrial Agreement Acts

Promotion of decentralization of industries.  
A listing of all current Agreement Acts may be found  
in Government Gazette 2/7/76, P.2280.

Department of Indust  
Development

ASSISTANCE TO DECENTRALIZED  
INDUSTRIES ACT 1974

Financial assistance may be granted for businesses  
carried out in certain areas of the State.

Department of Indust  
Development



## RESERVES

LAND ACT 1933-1972

Section 29-37A

The Governor may reserve to Her Majesty any lands vested in the Crown for the objects and purposes of State Forests and areas for the Conservation of timber and indigenous flora or fauna. Such reserves shall be A class, B class or C class reserves.

Department of Land

PARKS AND RESERVES ACT

1895-1972

Act setting up Boards of Parks and Reserves for the purpose of controlling and managing parks and reserves. A Board may make by-laws and impose pecuniary penalties for the breach of any by-law of up to \$150.

Department of Land  
Rottnest Island I  
Emu Point (Albany  
Kings Park Board,  
Pemberton Nationa

NATIONAL PARKS AUTHORITY

ACT 1976

For the vesting and management of certain areas as National Parks or reserves.

National Parks A

FORESTS ACT 1919-1974

Sections 20,25

Power to create Timber Reserves and State Forests.

Forests Department

WILDLIFE CONSERVATION ACT

1950-1975

Section 12A

The WA Wild Life Authority may classify any area of land in a nature reserve or wildlife sanctuary vested under the Land Act as a prohibited area, limited access area, shooting or hunting area or unlimited access area.

Department of Fis  
Wild

Section 13

The Minister may enter into agreements with owners of land for the use of the land as a wildlife sanctuary for the conservation and protection of fauna. A person shall not describe any area of land as a wildlife sanctuary unless he is permitted to do so.

FISHERIES ACT 1905-1975

Section 30

The Governor may declare certain Western Australian Waters as aquatic reserves.

Department of Fis  
Wil

METROPOLITAN WATER SUPPLY,

SEWERAGE AND DRAINAGE ACT

1909-1974

Section 13

Powers to create water reserves and catchment areas.

Metropolitan Wate  
Sewerage and Dra

COUNTRY AREAS WATER SUPPLY

ACT 1947-1974

Section 9

Powers to create water reserves and catchment areas.

Public Works Depa.

WATER BOARDS ACT 1904-1973

Section 36

Powers to create water reserves and catchment areas.

Public Works Depa

SOIL CONSERVATION ACT 1946-1974

Section 26

Power to declare soil conservation reserves.

Department of Agri

Section 28

Any person who (a) lights a fire in a soil conservation reserve (b) removes any tree, shrub or plant from such reserve or (c) in any way injuriously interferes with the land in any soil conservation reserve commits an offence. PENALTY: \$100.

RIGHTS IN WATER AND IRRIGATION

ACT 1914-1974

Section 4

Natural waters are vested in the Crown.

Public Works Depar

Section 28

Power to create irrigation districts.

LOCAL GOVERNMENT ACT 1960-1976

Section 307

Power in local authorities to declare a tree reserve along roads.

Local Authorities.

Section 437

Power to declare portion of a water course to be reserved for supply of water for public use.

ABORIGINAL AFFAIRS PLANNING  
AUTHORITY ACT 1972-1973

Section 3

No person shall enter onto lands reserved for aboriginal occupants unless he is an aboriginee or a person duly authorised.  
PENALTY: 1st offence - Up to \$100 or 6 months imprisonment.  
2nd offence - Up to \$200 or 12 months imprisonment.  
3rd offence - Up to \$400 or 2 years imprisonment.

Aboriginal Affairs Planning  
Authority

RESERVES ACT

Incidental Act of Parliament for the purpose of vesting and declaring reserved lands.

Department of Lands &

RAILWAY DISCONTINUANCE AND  
LAND REVESTMENT ACT

Incidental Act of Parliament to re-vest discontinued railway land.

Department of Lands &

HEALTH ACT 1911-1975

Section 119

With the consent of the Governor a local authority may set apart any portion of its reserves or other lands as a site for the deposit and disposal of refuse. The Commissioner may order the closing of the reserve and any person who deposits rubbish or refuse on that place after such order commits an offence.  
PENALTY: Up to \$40.

Public Health Department  
or  
Local Authorities.

MINING ACT 1904-1973

Section 30

Governor may authorise any holders of a miners right or lease to mine on or under any reserve.

Mines Department.

Section 275

The Governor may by notice in the Government Gazette declare any reserve to be open for mining.

## HISTORIC SITES

### NATIONAL TRUST OF AUSTRALIA (WA) ACT 1964-1970

Act sets up a National Trust of Australia (WA) whose main objects are the protection and preservation of places and things which are of national or local importance by reason of educational, historic, architectural, traditional, antiquarian, archaeological or other special interest attaching to them and places of natural beauty and flora and fauna thereof.

National Trust of

### ABORIGINAL HERITAGE ACT 1972

Act to make provision for the preservation of places and objects customarily used by or traditional to the original inhabitants of Australia.

W.A. Museum.

#### Section 17

Any person who excavates, destroys, damages, conceals or in any way alters any aboriginal site or object commits an offence.  
PENALTY: 1st offence \$500 or 3 months imprisonment or both.  
2nd offence \$2,000 or 12 months imprisonment or both.  
Plus \$100 per day offence continues after prosecution.

### MUSEUM ACT 1969-1973

#### Section 45(4)

A person shall not damage, destroy or remove from the State meteorites without consent of the Trustees.

W.A. Museum.

#### Section 46(1)

Any person who damages, mutilates, destroys, or removes any specimen, object or exhibit from the museum commits an offence.  
PENALTY: \$500 or 12 months imprisonment or both.

### MARITIME ARCHAEOLOGY ACT 1972

Preservation of remains of ships lost before 1900 and of relics associated therewith.

W.A. Museum.

#### Section 8

A person shall not remove, destroy or damage a historic wreck without the consent of the Trustees of the Museum, or if having received the consent breach the conditions of such.  
PENALTY: \$2000 or 12 month imprisonment or both.

#### Section 17

A person who finds a historic wreck and fail to give notice to the Director of the Museum as soon as practicable commits an offence.  
PENALTY: \$500.

A person who finds a relic and fails to give notice to the Director of the Museum as soon as practicable commits an offence.  
PENALTY: \$100.

# TRANSPORT

<u>MAIN ROADS ACT 1970-1975</u>	Construction of main roads, highways etc.	Main Roads Department.
<u>LOCAL GOVERNMENT ACT 1960-1976</u> Section 300 and following	Construction and control of streets.	Local Authorities.
<u>STATE TRANSPORT CO-ORDINATION ACT 1966</u> Section 21	Transport policy and planning.	Transport Commission.
<u>TRANSPORT COMMISSION ACT 1966-1975</u> Section 24 and following	Licensing of public transport (Omnibuses).	Transport Commission.
<u>METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST ACT 1957-1973</u>	Provision of public transport in Metropolitan area.	Metropolitan Transport Trust
<u>EASTERN GOLDFIELDS TRANSPORT BOARD ACT 1946-1970</u>	Provision of public transport in Eastern Goldfields.	Eastern Goldfields Transport Board
<u>GOVERNMENT RAILWAYS ACT 1904-1975</u> <u>Various local railways construction Acts</u>	Provision of railway transport.	Westrail.
<u>CITY OF PERTH PARKING FACILITIES ACT 1956-1970</u>	Control of parking within the City of Perth.	City of Perth.

## ENERGY AND MINERAL RESOURCES

<u>FUEL ENERGY AND POWER RESOURCES ACT 1972-1975</u>	Act makes provision for the conservation and utilisation of the present and future sources and supplies of fuel, energy and power in and to Western Australia.	State Energy Commissi
<u>PETROLEUM ACT 1967-1972</u>	Act relates to the exploration for and exploitation of petroleum resources and licensing of the exploitation.	Mines Department.
<u>MINING ACT 1904-1973</u>	Act relating to the exploration of mineral resources.	Mines Department.
<u>PETROLEUM (SUBMERGED LANDS) ACT 1967</u>	Act relating to the exploration for and the exploitation of the petroleum resources and certain other resources and licensing of such exploitation, of certain submerged lands adjacent to the Western Australian coast.	Mines Department.
<u>STATE ENERGY COMMISSION ACT 1945-1975</u> <u>ELECTRICITY ACT 1945-1973</u> <u>SOUTH WEST STATE POWER SCHEME ACT 1945</u>	Acts provide for provision of electricity supplies.	State Energy Commiss
<u>GAS UNDERTAKINGS ACT 1947-1973</u> <u>GAS STANDARDS ACT 1972</u> <u>LIQUID PETROLEUM GAS ACT 1956-1973</u>	Acts provide for provision of industrial and domestic gas.	State Energy Commiss

## NOXIOUS TRADE

### HEALTH ACT 1911-1975

Part VII, Division 2

No person may carry on an offensive trade without the consent in writing of the Local Authority or in the case of an appeal, the Commissioner. "Offensive Trade" is defined as: "abattoirs or slaughter houses, bone mills or bone manure depots, chemical works, cleaning establishments, dye works, fat rendering establishments, fell-mongeries, tanneries or wool mongering establishments, fish shops, flock factories, glue factories, laundries, manure works, marine stores, piggeries, places for drying bones, hides or skins, soap or candle works and any other trade that may become a nuisance to the health of the nearby inhabitants of the district".  
PENALTY: Up to \$100 plus \$10 per day.

Public Health Department  
or  
Local Authorities.

### POISONS ACT 1964-1970

No person unless he is pharmaceutical chemist, medical practitioner, veterinary surgeon or dentist may manufacture, distribute or sell any poison unless licensed to do so. "Poison" is defined in the Act.  
PENALTY: \$200.

Public Health Department

## RADIATION

RADIATION SAFETY ACT 1975

Act regulates the keeping, use and disposal of radioactive substances and apparatus producing radiation.

Public Health Depa

## SOIL CONSERVATION

### SOIL CONSERVATION ACT 1945-1974

Section 22(1)

The Governor may proclaim any portion of the State a soil conservation district.

Department of Agricult

Section 22(2)

The Governor may make regulations in respect of the above districts

- a) Prohibiting the lighting of fires
- b) Regulating the destruction of trees, shrubs, plants and grasses
- c) Promoting soil conservation

PENALTY: \$100.

Section 41

The Governor may for the purpose of soil conservation serve upon an owner of land a notice prohibiting the cutting down of trees on any land.  
PENALTY: \$200.

### SOIL FERTILITY RESEARCH ACT 1954-1969

Establishes a soil fertility research fund.

Department of Agricultu

### AND ACT 1933-1972

Section 105

A pastoral lease shall give no right to the soil.

Department of Lands & S



## PESTICIDES

### HEALTH ACT 1911-1975

Section 241D

The Governor may make regulations prescribing forms fees and other matters necessary for the protection of health in relation to pesticides.

Public Health De

### POISONS ACT 1964-1970

The Sixth Schedule to the Act controls handling and sale of pesticides.

Public Health De

### AERIAL SPRAYING CONTROL ACTS 1966-1973

Section 6

No person may cause aerial spraying unless the pilot is the holder of a special certificate  
PENALTY: \$400 or 6 months imprisonment or both.

Department of Ag

Section 9

The Minister may proclaim any area in the State a hazardous area and no person may carry out aerial spraying in such area.  
PENALTY: \$400 or 6 months imprisonment or both.

Section 19

Governor may make regulations governing aspects of aerial spraying.

### FISHERIES ACT 1905-1975

Section 26A

The Minister may prohibit spraying, dusting, injecting or any other activity that is likely to affect the aquatic environment.

Department of Fi:  
Wi:

## AGRICULTURAL RESOURCES

<u>AGRICULTURE AND RELATED SOURCES PROTECTION ACT 1976</u>	Provides for the management, control and prevention of certain plants and animals and the prohibition and regulation of the introduction and spread of certain plants and animals harmful to agricultural resources.	Agriculture Protection Board
Section 35	The Protection Board may declare classes of plants and animals for the purposes of the Act.	
Section 42	A Local Authority shall control declared plants and animals on land under its control. PENALTY: 1st offence \$50, subsequent offences \$250.	
Section 48	An occupier of private land shall notify the Protection Board of any declared plants or animals or signs or marks thereof, on the land. PENALTY: \$100.	
Section 49	The occupier of private land shall control declared plants and animals on the land. PENALTY: 1st offence \$50, subsequent offences \$250.	
Section 72	The Governor may declare anything to be a natural enemy of a declared plant or animal and prohibit the destruction, injuring and capturing of these natural enemies. PENALTY: \$200.	
Section 72,77	The introduction of certain classes of declared plants and animals is prohibited. PENALTY: \$100-\$1000.	
<u>PLANT DISEASE ACT 1914-1974</u>		
Section 5	Governor has power to prohibit the introduction into the State of any plant, fruit or other thing likely to introduce disease into the State.	Agriculture Protection Board
Section 9	Setting up of Fruit Fly Eradication Fund to be used for the control, prevention and eradication of fruit fly pest.	
Section 10	Occupiers of orchards must notify the Director of Agriculture within 24 hours of discovery of any plant disease. PENALTY: Up to \$200.	
<u>STOCK DISEASES (REGULATIONS) ACT 1968-1974</u>	Governor may make regulations to prevent the introduction of diseases affecting stock, the eradication of such disease and the prevention of spreading. Regulations made may provide minimum penalties of \$100 and maximum penalties of up to \$1,000 plus \$10 for every day offence continues after conviction.	Agriculture Protection Board
<u>ALSATIAN DOG ACT 1964-1973</u>		
Section 6	A person shall not keep an Alsatian dog, unless he obtains a permit from the Protection Board for that purpose. PENALTY: Up to \$100, \$4 per day offence continues after conviction.	Agriculture Protection Board
Section 7	The Board shall not issue a permit unless satisfied that the dog is sterilised.	
Section 10	The Board shall cause the destruction of unsterilised Alsatian dogs.	
<u>BEEKEEPERS ACT 1963-1973</u>		
Section 14	Every beekeeper on learning of the existence of any pests in his apiary, stores or premises shall take the prescribed steps for the eradication of and prevention of the spread of the pest.	Department of Agriculture
<u>ARGENTINE ANTS ACT 1968</u>	Minister shall control and direct the treatment and eradication of Argentine Ants.	Agriculture Protection Board
<u>FISHERIES ACT 1905-1975</u>		
Section 37	Governor may declare a scale of rewards for the destruction of cormorants, pelicans and other birds hostile to fish life.	Department of Fisheries Wildlife

It should be noted that generally the remedies of an individual are not on the ground of a complaint of the threat of damage to the environment, but of the threat of damage, injury or inconvenience to that individual. However, such threats often also threaten the environment.

## 1. Statutory

Some Acts of Parliament and regulations provide that objections may be made against proposed or actual activities of various types. It is usual that only persons having a directly personal interest to protect are considered as having the right to object, but objections on the ground of threat to the environment can be entertained in some cases.

Some of these are:

### Mining Act

A person may object to any application for a mining tenement on grounds to be stated in the notice of objection.

### Health Act

A person may object to an application for a permit to carry on an offensive trade.

### Town Planning Act

A person may object to a proposed town planning scheme.

### Wild Cattle Nuisance Act

An individual aggrieved by the misconduct of a person having a licence under this Act for the destruction of wild horses and cattle may complain accordingly. The licence may then be revoked.

### Liquor Act

A resident in the defined affected area relating to an application for a licence or provisional certificate for a licence under this Act can object to the application (often objections by residents regard excessive noise).

2. Apart from Statutory controls of the environment, the common law also provides a number of actions and remedies for individuals or groups of individuals against threats to the environment such as in the case of pollution. If successful the remedy in the tort actions will be damages or if the behaviour complained of is likely to continue the individual may obtain an injunction.

### a) Private Nuisance

An injunction may be granted on an action quia timet to restrain the commission of an apprehended or threatened act promising interference with an individual's beneficial use and enjoyment of his land. The court will not restrain future acts of a wrong doer unless it is plain that they will be of a wrongful nature. The court will not grant an injunction quia timet on the probability of an act occurring but if the defendant insists on his right, or gives distinct notice of his intention, or threatens, or intends to commit an act which, if committed, would, in the opinion of the court, violate the plaintiff's right, an injunction will be granted.

Who may bring action	- Occupiers of land
In respect of what behaviour	- Unreasonable interference with use and enjoyment of land
Examples of Successful Actions	- a) Action against noise from a saw mill
	- b) Noise from pneumatic drills during Office hours
	- c) Noise from a speedway
	- d) Noise from a quarry
	- e) Emission of smoke or grit from a brickworks
	- f) Effluent from a gas works

<u>Dunstan V King</u> 1945 269
<u>Spencer V Silva</u> 1928 285 ASR P 2
<u>Daily Telegraph Co. V Stuart</u> 285 (NSW) 291
<u>Field V SA Soccer Assoc.</u> 1953 SA
<u>Wilkinson V Co-operative Estate</u> 1919 TAS LR22
<u>Harkness V Woodhead</u> 1950 SASR 54
<u>Bode V Wollongong</u> (1910) 10 SR (1)

### b) Public Nuisance

What is said in respect of private nuisance will apply in case of public nuisance, provided the person seeking the injunction is likely to suffer special damage. In all other cases, proceedings must be brought with the sanction and in the name of the Attorney General, such actions being known as relator actions. However, it is always open to an individual or group of individuals, to prevail on the Attorney General to give his name to such a proceeding.

Who may bring action	- any person who suffers special damage from any sort of pollution or the Attorney General.
Examples of Successful Actions	- a plaintiff was held entitled to damages when the defendant erected a building on a public highway, obstructing his view thus being guilty of public nuisance, <u>Owen V O'Connor</u> 1964 NSW 1312.

### c) Riparian Rights

Who may bring action	- an owner of land abutting a stream of river
In respect of what behaviour may action be brought	- any behaviour impairing the right to substantially unpolluted water
	- a) where waters were polluted by mining operations
	- b) where waters were polluted by wool washing
	- c) defendant's drain contained soapsuds and other dirty household liquids discharged in stream passing through plaintiff's land.

<u>Loman V Jervis</u> (185) 6LR (NSW) :
<u>Hood V Corp. of Sydney</u> 18602 Legge 1294
<u>Stewart V Enfield Municipal Cor</u> 1914 2LGR 133

### d) Strict Liability and Trespass and Negligence

The rule in Rylands V Fletcher imposes strict liability on non-natural users of land who accumulate substances which escape. Thus in a case where the defendant was an occupier of an oil storage and distribution centre, it was held that the doctrine of Rylands V Fletcher applied to the sulphate in the smuts or oil drops wherever they happened to alight. Halsey V Esso Petroleum Corp. 1962 2 AER 145.

All enquiries, except those listed below:

DEPARTMENT OF CONSERVATION AND ENVIRONMENT	222477
AFTER HOURS AND PUBLIC HOLIDAYS	222007
PUBLIC HEALTH DEPARTMENT	
<u>Clean Air Section</u>	257911
after hours	411239,301923
after hours, Kwinana area only	991545
<u>Noise Abatement</u>	257911
<u>Radiation</u>	801122
after hours	654682,816731
FORESTS DEPARTMENT	258077
(for district offices see telephone book, State Government section)	
NATIONAL PARKS AUTHORITY	863125
DEPARTMENT OF FISHERIES AND WILDLIFE	
<u>Perth District office</u>	255988
after hours	613996,612731
<u>Fremantle District office</u>	319719,603708,315225
after hours	356369,353405
(for other district offices see telephone book, State Government section)	643235
<u>Fauna Wardens</u>	255988
after hours	816127,644137
METROPOLITAN REGION PLANNING AUTHORITY	252966
SWAN RIVER CONSERVATION BOARD	218677
after hours	942601
W.A. HERBARIUM	670111
W.A. WILDLIFE AUTHORITY	255988
FREMANTLE PORT AUTHORITY	353981,353801
PUBLIC WORKS DEPARTMENT	
(for district offices see telephone book, State Government section)	220331
ZOOLOGICAL GARDENS BOARD	
after hours	677988
	677256,675956