

1995—No. 126

POLLUTION CONTROL ACT 1970—REGULATION

(Relating to the period in which to appeal against certain decisions of the Environment Protection Authority)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Pollution Control Act 1970, has been pleased to make the Regulation set forth hereunder.

CHRISTOPHER HARTCHER, M.P.,
Minister for the Environment.

The Pollution Control Regulation 1970 is amended by omitting clause 13 and by inserting instead the following clause:

Time limit for appeals to Court

13. For the purposes of section 17M (1) of the Act, the prescribed period is
 - (a) 21 days; or
 - (b) if the decision involves the revocation or variation of any condition of, or the attachment of a condition to, a licence, and the holder of the licence the subject of the decision has notified the Authority in writing that no appeal is to be made, 1 day after the date of such notification.

EXPLANATORY NOTE

Section 17D (6) of the Pollution Control Act 1970 provides that a decision of the Environment Protection Authority (“EPA”) in respect of a licence granted under that Act has no force until the time limited for appealing against the decision has expired, or, if an appeal is made, until the time the Land and Environment Court confirms the decision or the appeal is withdrawn. Section 17M (1) (a) allows persons who are aggrieved by such decisions to appeal to the Land and Environment Court within the prescribed period after being served with notice of the decision. Currently, the prescribed appeal period is 21 days.

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The object of this Regulation is to enable a licensee to shorten the 21 day appeal period to one day by giving written notice to the EPA that the licensee does not intend to appeal the EPA's decision. A licensee might choose to do this if the licensee agrees with the decision and wishes to legally commence activities in accordance with the altered licence before the expiration of the 21 day appeal period.

This Regulation is made under the Pollution Control Act 1970, including section 32 (the general regulation making power).
