

1995—No. 475

**ENVIRONMENTAL OFFENCES AND PENALTIES ACT 1989—  
REGULATION**

(Relating to penalty notices for offences under the Clean Air (Control of Burning) Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 105 of 1 September 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Offences and Penalties Act 1989, has been pleased to make the Regulation set forth hereunder.

PAM ALLAN, M.P.,  
Minister for the Environment.

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**Commencement**

1. This Regulation commences on 1 September 1995.

**Amendment**

2. Schedule 2 to the Environmental Offences and Penalties Act 1989 is amended by omitting the matter relating to the Clean Air (Control of Refuse Burning) Regulation 1988 and by inserting instead the following matter:

*Clean Air (Control of Burning) Regulation 1995*

<i>Provision of Regulation</i>	<i>Short description</i>	<i>Officer</i>	<i>Penalty</i>
Clause 5 (1): Burn anything by open fire in a Schedule 1 area otherwise than as permitted	Burn by open fire in Schedule 1 area	1, 2, 3, 4	\$200
Clause 6 (1): Burn anything in an incinerator in a Schedule 2 area otherwise than as permitted	Burn in incinerator in Schedule 2 area	1, 2, 3, 4	\$200
Clause 7: Burn anything otherwise than by such means as prevent or minimise air pollution	Burn otherwise than so as to prevent/minimise air pollution	1, 2, 3, 4	\$200

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**EXPLANATORY NOTE**

The object of this Regulation is to update the list of offences under the Clean Air Act 1961 for which penalty notices can be issued under the Environmental Offences and Penalties Act 1989. The update is made necessary by the repeal of the Clean Air (Control of Refuse Burning) Regulation 1988 and the making of the Clean Air (Control of Burning) Regulation 1995.

This Regulation is made under the Environmental Offences and Penalties Act 1989, in particular section 8G (penalty notices) and section 28 (the general regulation-making power).

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