



New South Wales

Environmental Offences and Penalties Amendment (Noise Offences) Regulation 1997

under the

Environmental Offences and Penalties Act 1989

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Offences and Penalties Act 1989*.

PAM ALLAN MP
Minister for the Environment

Explanatory note

The object of this Regulation is to amend the list of officers who are authorised by the *Environmental Offences and Penalties Act 1989* to issue penalty notices in respect of offences under the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995*.

As a result of the amendments:

- (a) council officers will be empowered to issue penalty notices in respect of a breach of clause 12, 14 (I), 15, 19 (a) or (b) or 24 (a) or (b) of the Regulation, and
- (b) officers of the Waterways Authority will no longer be empowered to issue penalty notices in respect of a breach of clause 13 (1) of the Regulation, and
- (c) police officers will be empowered to issue penalty notices in respect of a breach of clause 12, 14 (I), 15, 19 (a) or (b), 24 (a) or (b), 26, 29 (5) or 30 (4) of the Regulation.

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Explanatory note

This Regulation also corrects an error in the description of a provision of the *Noise Control (Miscellaneous Articles) Regulation 1995*, the breach of which can be dealt with by a penalty notice.

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

Environmental Offences and Penalties Amendment (Noise Offences) Regulation 1997

1 Name of Regulation

This Regulation is the *Environmental Offences and Penalties Amendment (Noise Offences) Regulation 1997*.

2 Amendment of Environmental Offences and Penalties Act 1989

Schedule 2 to the *Environmental Offences and Penalties Act 1989* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Schedule 2 Penalty notices

Omit “outside the premises” from the matter relating to clause 22 (1) of the *Noise Control (Miscellaneous Articles) Regulation 1995* in Schedule 2.

Insert instead “within a room in any other residential premises”.

[2] Schedule 2

Omit “2” wherever occurring under the heading “Officer” in the matter relating to clauses 12, 14 (1), 15, 19 (a) and (b) and 24 (a) and (b) of the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995*.

Insert instead “1, 2, 6”.

[3] Schedule 2

Omit “5” from under the heading “Officer” in the matter relating to clause 13(1) of the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995*.

[4] Schedule 2

Omit “2” wherever occurring under the heading “Officer” in the matter relating to clauses 26, 29 (5) and 30 (4) of the *Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995*.

Insert instead “2, 6”.