



New South Wales

Competition Policy Reform (New South Wales) Amendment (Waste) Regulation 1998

under the

Competition Policy Reform (New South Wales) Act 1995

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Competition Policy Reform (New South Wales) Act 1995*.

BOB CARR,
Premier

Explanatory note

The object of this Regulation is to authorise certain activities of Waste Boards constituted under the *Waste Minimisation and Management Act 1995*, and matters concerning the licensing arrangements in relation to putrescible landfill sites, for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*. The activities and matters that are so authorised are to be disregarded in deciding whether a person has contravened Part IV of the Commonwealth Act (which also forms part of the NSW Code).

This Regulation is made under sections 38 (the general regulation-making power) and 39 (Regulations for exceptions under section 51 of Trade Practices Act or Code) of the *Competition Policy Reform (New South Wales) Act 1995*.

Competition Policy Reform (New South Wales) Amendment (Waste) Regulation 1998

1 Name of Regulation

This Regulation is the *Competition Policy Reform (New South Wales) Amendment (Waste) Regulation 1998*.

2 Commencement

This Regulation commences on 20 July 1998.

3 Amendment of competition Policy Reform (New South Wales) Regulation 1996

The *Competition Policy Reform (New South Wales) Regulation 1996* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Clauses 4A and 4B

Insert after clause 4:

4A Authorisations—Waste Boards

- (1) Anything done by a Waste Board in the course of exercising the functions conferred or imposed on the Waste Board by the *Waste Minimisation and Management Act 1995* is specifically authorised by this Regulation for the purposes of the Commonwealth Act and the Competition Code.

- (2) In this clause:

Waste Board means a Waste Planning and Management Board constituted under Part 3 of the *Waste Minimisation and Management Act 1995*.

4B Authorisation—certain matters relating to putrescible landfill sites

- (1) The following things are specifically authorised by this Regulation for the purposes of the Commonwealth Act and the Competition Code:
 - (a) anything done by the Environment Protection Authority in exercising its functions under section 48 of the *Waste Minimisation and Management Act 1995*,
 - (b) anything done by the occupier of a waste facility to which section 48 of that Act applies for the purposes of complying with the conditions of the occupier's licence that are imposed by the Environment Protection Authority under that section.

- (c) anything done by a public authority holding a supervisory licence referred to in section 48 of that Act:
 - (i) for the purposes of complying with the conditions of the licence that are imposed by the Environment Protection Authority under that section, or
 - (ii) that relates to a direction referred to in section 48 (4) of that Act.
- (2) The following things are specifically authorised by this Regulation for the purposes of the Commonwealth Act and the Competition Code:
 - (a) anything done by the appropriate regulatory authority in exercising its functions under section 87 of the *Protection of the Environment Operations Act 1997*.
 - (b) anything done by the occupier of a waste facility to which section 87 of that Act applies for the purposes of complying with the conditions of the occupier's licence that are imposed by the appropriate regulatory authority under that section,
 - (c) anything done by a public authority holding a supervisory licence referred to in section 87 of that Act:
 - (i) for the purposes of complying with the conditions of the licence that are imposed by the appropriate regulatory authority under that section, or
 - (ii) that relates to a direction referred to in section 87 (5) of that Act.