



New South Wales

# **Protection of the Environment Operations (Amendments and Repeals) Regulation 1998**

under the

**Protection of the Environment Operations Act 1997**

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

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

## **Explanatory note**

The object of this Regulation is to effect various amendments and repeals of existing regulations continued in force by the *Protection of the Environment Operations Act 1997* (the “new Act”) in connection with the commencement of that Act.

### **Clean Air (Control of Burning) Regulation 1995**

This Regulation is amended to make consequential changes as a result of the Regulation being taken to have been made under the new Act and also to add the Coonabarabran local government area to the list of areas where there is a partial prohibition on open burning and incinerator burning.

### **Clean Air (Domestic Solid Fuel Heaters) Regulation 1997**

This Regulation is amended to make consequential changes as a result of the Regulation being taken to have been made under the new Act.

## **1998 No 719**

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Explanatory note

---

### **Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997**

This Regulation is amended to make consequential changes as a result of the Regulation being taken to have been made under the new Act. Certain offences relating to the emission of excessive air impurities, the fitting of anti-pollution devices to motor vehicles, maintenance of motor vehicles and the use of unleaded petrol and defences to those offences (clauses 27–31) are also inserted into this Regulation. These provisions mirror sections of the *Clean Air Act 1961* (sections 21B (b), 21C (1), 21D (1), 21E and 21N) that were not transferred to the new Act.

### **Clean Air (Plant and Equipment) Regulation 1997**

This Regulation is amended to make consequential changes as a result of the Regulation being taken to have been made under the new Act. Special provision is made in clause 3A to deem “scheduled premises” and “non-scheduled premises” (terms under the *Clean Air Act 1961*) to be premises on which “scheduled activities” are being carried on or premises where only “non-scheduled activities” are being carried on (terms defined under the new Act). (See the detailed Explanatory note after clause 3A.) A provision requiring prescribed control equipment to be used in certain cases, and maintained and operated in accordance with specifications, (clause 20A) is also inserted into this Regulation. This clause mirrors sections of the *Clean Air Act 1961* (sections 15B and 19A) that were not transferred to the new Act. Several minor statute law revision amendments are also made to this Regulation at this time.

### **Clean Waters Regulations 1972**

These Regulations are amended to make consequential changes as a result of the Regulations being taken to have been made under the new Act.

### **Noise Control (Marine Vessels) Regulation 1996**

This Regulation is amended to make consequential changes as a result of the Regulation being taken to have been made under the new Act.

## **1998 No 719**

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Explanatory note

---

### **Noise Control (Miscellaneous Articles) Regulation 1995**

This Regulation is amended to make consequential changes as a result of the Regulation being taken, to have been made under the new Act.

### **Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995**

This Regulation is amended to make consequential changes as a result of the Regulation being taken to have been made under the new Act.

### **Noise Control (General) Regulation 1995 and Pollution Control Regulation 1985**

These Regulations are to be repealed.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323, Schedule 2 and clause 11 of Schedule 5.

---

## **Protection of the Environment Operations (Amendments and Repeals) Regulation 1998**

### **1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations (Amendments and Repeals) Regulation 1998*.

### **2 Commencement**

This Regulation commences on the commencement of the *Protection of the Environment Operations Act 1997*.

### **3 Amendment of regulations**

The Regulations specified in Schedules 1-8 (being regulations that are taken to be regulations made under the *Protection of the Environment Operations Act 1997* by the operation of clause 11 of Schedule 5 to that Act) are amended as set out in those Schedules.

### **4 Repeal of regulations**

The Regulations specified in Schedule 9 (being regulations that are taken to be regulations made under the *Protection of the Environment Operations Act 1997* by the operation of clause 11 of Schedule 5 to that Act) are repealed.

### **5 Notes**

The explanatory note does not form part of this Regulation

---

**Schedule 1 Amendment of Clean Air (Control of Burning) Regulation 1995**

(Clause 3)

**[1] Clause 3 Definitions**

Omit “*Clean Air Act 1961*” from the definition of *the Act* in clause 3 (1).

Insert instead “*Protection of the Environment Operations Act 1997*”.

**[2] Clause 8 Approval for certain fires or incinerators**

Omit “Authority” from clause 8 (2). Insert instead “EPA”.

**[3] Schedule 1 Open burning**

Insert in appropriate order in Part 2 of Schedule 1:

Coonabarabran

**[4] Schedule 2 Burning in incinerators**

Insert in appropriate order in Part 2 of Schedule 2:

Coonabarabran

**1998 No 719**

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Schedule 2      Amendment of Clean Air (Domestic Solid Fuel Heaters) Regulation 1997

---

**Schedule 2      Amendment of Clean Air (Domestic Solid Fuel Heaters) Regulation 1997**

(Clause 3)

**[1]      Clause 3 Definitions**

Omit “Environment Protection Authority” from the definition of **Authority**.

Insert instead “EPA within the meaning of the Act”.

**[2]      Clause 3**

Omit the definition of sell. Insert instead:

**sell**—see the Dictionary to the Act.

**[3]      Clause 3**

Omit “*Clean Air Act 1961*” from the definition of **the Act**.

Insert instead “*Protection of the Environment Operations Act 1997*”.

**Schedule 3      Amendment of Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997**

(Clause 3)

**[1]      Clause 5 Definition of excess air impurities: section 154**

Omit “21A (2)”. Insert instead “154 (2)”.

**[2]      Clause 9 Prescribed anti-pollution devices: sections 154, 157 and 161**

Omit “21BA” from clause 9 (1) (a).  
Insert instead “157”.

**[3]      Clause 9 (1) (b)**

Omit “21EA”. Insert instead “161”.

**[4]      Clause 9 (2)**

Omit “5 (1)”. Insert instead “154 (1)”.

**[5]      Clause 10 Fitting of certain anti-pollution devices to be compulsory: sections 156 and 161 and clause 28**

Omit clause 10 (1). Insert instead:

- (1) The object of this clause is to require certain heavy vehicles to be fitted with a particular design of exhaust pipe (which, by virtue of clause 9, is a prescribed anti-pollution device), so invoking the operation of:
  - (a) section 156 of the Act (which prohibits the sale of such a vehicle if it is not fitted with such a device), and
  - (b) section 161 of the Act (which empowers an authorised officer to direct that such a device be fitted, refitted, reconnected, repaired, readjusted or restored), and
  - (c) clause 38 of this Regulation (which prohibits the use of such a vehicle if it is not fitted with such a device).

**1998 No 719**

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Schedule 3      Amendment of Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

---

**[6]      Clause 16 Maximum amount of lead and phosphorus: sections 154 and 163 and clause 31**

Omit “21A”. Insert instead “154”.

**[7]      Clause 16**

Omit “sections 21L and 21N”.  
Insert instead “section 163”.

**[8]      Clause 16**

Insert “and clause 31 of this Regulation” after “of the Act” where secondly occurring.

**[9]      Clause 17 Range of research octane numbers: sections 154 and 163**

Omit “21A (1)”. Insert instead “154 (1)”.

**[10]      Clause 17**

Omit “21L (e)”. Insert instead “163 (b)”.

**[11]      Clause 19 Prescription of motor vehicles operating on unleaded petrol: section 164 and clause 31**

Omit “21M” from clause 19 (1) (a).  
Insert instead “164”.

**[12]      Clause 19 (1) (b)**

Omit “section 21N3 of the Act”.  
Insert instead “clause 31 of this Regulation”.

**[13]      Clause 19 (3)**

Omit “21M (1) and 21N (1) and (2)”.  
Insert instead “164 (1)”

**[14] Clause 19 (3)**

Insert “and clause 31 (1) and (2) of this Regulation” after “the Act”.

**[15] Clause 20 Prescribed road octane requirement: section 164**

Omit “21M (1)”. Insert instead “164 (1)”.

**[16] Clause 26 Preliminary analysis of petrol sold as unleaded petrol: sections 21I, 21J and 21L**

Omit the clause.

**[17] Parts 5 and 6**

Omit the Parts Insert instead

**Part 5 Offences**

**27 Motor vehicles emitting excessive air impurities**

An owner of a motor vehicle who uses the motor vehicle, or causes or allows it to be used, is guilty of an offence if it emits excessive air impurities.

Maximum penalty:

- in the case of a corporation—400 penalty units, or
- in the case of an individual—200 penalty units.

**28 Fitting of prescribed anti-pollution devices to motor vehicles**

An owner of a motor vehicle who uses the motor vehicle, or causes or allows it to be used, is guilty of an offence if:

- (a) this Regulation requires motor vehicles of the class to which it belongs to be fitted with prescribed anti-pollution devices, and

## 1998 No 719

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Schedule 3      Amendment of Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

---

- (b) the vehicle is not fitted in the prescribed manner with such a device which is maintained in accordance with this Regulation.

Maximum penalty:

- in the case of a corporation—2400 penalty units, or
- in the case of an individual—2200 penalty units.

### 29 Maintenance etc of motor vehicles

An owner of a motor vehicle who uses the motor vehicle, or causes or allows it to be used, is guilty of an offence if:

- (a) this Regulation requires motor vehicles of the class to which it belongs to be serviced, maintained, or adjusted in a specified manner, and
- (b) the vehicle has not been serviced, maintained or adjusted in that manner.

Maximum penalty:

- in the case of a corporation—2400 penalty units, or
- in the case of an individual—200 penalty units.

### 30 Defences to prosecutions for offences under clause 27, 28 or 29

(1) **Use of vehicle emitting excessive air impurities**

It is a defence to a prosecution for an offence under clause 27, if the defendant proves:

- (a) that the defendant took all reasonable and practicable steps to prevent the commission of the offence, and
- (b) that no visible air impurities were emitted by the motor vehicle.

(2) **Use of motor vehicle without prescribed anti-pollution device**

It is a defence to a prosecution for an offence under clause 28, if the defendant proves that, at the time the offence was committed:

- (a) the defendant had reasonable grounds to believe, and did believe, that the motor vehicle was fitted with every prescribed anti-pollution device required to be fitted to the motor vehicle by this Regulation, and
- (b) the defendant took all reasonable steps to ensure that every such device was maintained in accordance with this Regulation.

(3) **Use of vehicle in competitive sport**

It is a defence to a prosecution for an offence under clause 27 or 28, if the defendant proves that the motor vehicle:

- (a) was constructed or has been modified solely for use in motor racing or off-road motor sport, and
- (b) was not registrable under the *Traffic Act 1909*.

(4) **Use of vehicle required to be serviced as prescribed**

It is a defence to a prosecution for an offence under clause 29, if the defendant proves that the defendant took all reasonable steps to ensure that the motor vehicle was serviced, maintained or adjusted as required by this Regulation.

**31 Certain motor vehicles to use only unleaded petrol**

- (1) A person is guilty of an offence if the person places in the fuel tank of a motor vehicle of a prescribed class or description:
  - (a) any petrol which contains:
    - (i) more than the prescribed mass of lead per litre, or
    - (ii) more than the prescribed mass of phosphorus per litre, or
  - (b) any substance which, when mixed with anything already contained in the fuel tank of the motor vehicle, would result in the fuel tank's then having contents which contain:

## 1998 No 719

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

### Schedule 3 Amendment of Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

---

- (i) more than the prescribed mass of lead per litre, or
- (ii) more than the prescribed mass of phosphorus per litre.

Maximum penalty:

- in the case of a corporation—400 penalty units, or
- in the case of an individual—200 penalty units.

- (2) A person who operates a motor vehicle of a prescribed class or description is guilty of an offence if its fuel tank contains:
- (a) more than the prescribed mass of lead per litre, or
  - (b) more than the prescribed mass of phosphorus per litre.

Maximum penalty:

- in the case of a corporation—400 penalty units, or
- in the case of an individual—200 penalty units.

- (3) It is a defence to a prosecution for an offence under subclause (2), if the defendant proves that, at the time the defendant operated the motor vehicle, the defendant did not know and could not reasonably be expected to have known that the contents of its fuel tank contained more than the prescribed mass of lead per litre, or more than the prescribed mass of phosphorus per litre, as the case may be.

#### [18] Clause 33 Notices to repair motor vehicles: section 161

Omit “21EA (5) and (6)” from clause 33 (1).

Insert instead “161 (5) and (7)”.

#### [19] Clause 33 (2)

Omit the subclause.

#### [20] Clause 34 Amendment of Clean Air Regulations 1964

Omit “*Manual of Air Quality Testing*” from clause 34 (3).

Insert instead “*Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*”.

**[21] Dictionary**

Omit the definition of ***motor vehicle***. Insert instead:

***motor vehicle*** means any motor car, motor carriage, motor cycle, motor omnibus, motor lorry or other vehicle propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power, but does not include a railway locomotive.

**[22] Dictionary**

Omit the definition of ***sell***. Insert instead:

***sell***—see the Dictionary to the Act.

**[23] Dictionary**

Omit the definition of ***Test Method***. Insert instead:

***Test Method***, together with a number, means a test method of that number prescribed by the Approved Methods Publication.

**[24] Dictionary**

Omit “*Clean Air Act 1961*” from the definition of ***the Act***. Insert instead *Protection of the Environment Operations Act 1997*”.

**[25] Dictionary**

Insert in appropriate alphabetical order:

***the Approved Methods Publication*** means the document entitled “Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales” prepared by the Authority and published in the Gazette, as in force from time to time.

***the Authority*** means the EPA within the meaning of the *Protection of the Environment Operations Act 1997*.

**[26] Dictionary**

Omit “21A” from the definition of ***unleaded petrol***. Insert instead “154”.

## **Schedule 4 Amendment of Clean Air (Plant and Equipment) Regulation 1997**

(Clause 3)

### **[1] Clause 3 Definitions**

Omit the definition of *sell*. Insert instead:

*sell* —see the Dictionary to the *Protection of the Environment Operations Act 1997*.

### **[2] Clause 3**

Omit the definition of *Test Method*. Insert instead:

*Test Method*. together with a number, means a test method of that number prescribed by the Approved Methods Publication.

### **[3] Clause 3**

Insert in appropriate order:

*non-scheduled premises* are premises (other than scheduled premises) on which a trade, industry or process is conducted, or fuel burning equipment or industrial plant is operated.

*scheduled premises* includes premises on which a scheduled activity is being carried on.

*the Approved Methods Publication* means the document entitled “Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales” prepared by the Authority and published in the Gazette. as in force from time to time.

*the Authority* means the EPA within the meaning of the *Protection of the Environment Operations Act 1997*.

## [4] Clause 3

Insert “; subject to clause 3A.” after “means” in the definition of *the Act*.

## [51] Clause 3A

Insert after clause 3:

### **3A Operation of Regulation after commencement of the Protection of the Environment Operations Act 1997**

- (1) In this Regulation, H reference to section 15 of the Act is a reference to section 128 of the *Protection of the Environment Operations Act 1997* but only in relation to premises on which a scheduled activity is being carried on.

(2) In this Regulation, a reference to section 19 of the Act is a reference to section 128 of the *Protection of the Environment Operations Act 1997* but only in relation to premises on which only non-scheduled activities are being carried on.

(3) However, during the period of 4 years following the commencement of the *Protection of the Environment Operations Act 1997*, premises that:

  - (a) prior to the commencement of that Act, were non-scheduled premises under the Act, and
  - (b) are premises on which a scheduled activity is being carried on.

are deemed, for the purposes of this Regulation, to be premises on which only non-scheduled activities are being carried on.

(4) In this Regulation, a reference to a pollution control approval is a reference to a pollution control approval under the *Pollution Control Act 1970* before its repeal.

## 1998 No 719

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Schedule 4      Amendment of Clean Air (Plant and Equipment) Regulation 1997

---

### **Explanatory note**

The purpose of this clause is to modify, as a transitional measure, this Regulation to allow it to continue to operate after the commencement of the *Protection of the Environment Operations Act 1997* and the repeal of the *Clean Air Act 1961*.

In the meantime, references to section 15 of the *Clean Air Act* (which applied to "scheduled premises" within the meaning of that Act) in this Regulation will be taken to be references to section 128 of the *Protection of the Environment Operations Act 1997* but only in relation to premises on which "scheduled activities" (within the meaning of the *Protection of the Environment Operations Act 1997*) are being carried on. The most stringent standards will apply to these premises.

Similarly, references to section 19 of the *Clean Air Act* (which applied to "non-scheduled premises" within the meaning of that Act) in this Regulation will now be taken to be references to section 128 of the *Protection of the Environment Operations Act 1997* but only in relation to premises on which "non-scheduled activities" (within the meaning of the *Protection of the Environment Operations Act 1997*) are being carried on. Less stringent standards apply to these premises.

Premises that were "non-scheduled premises" under the *Clean Air Act 1961* (and subject to less stringent standards) but are premises on which a scheduled activity is being carried on under the *Protection of the Environment Operations Act 1997* (subject to more stringent standards) will be deemed to have only non-scheduled activities on them for a period of 4 years following the commencement of the new Act. This will give occupiers of such premises 4 years before having to satisfy the more stringent standards.

### **[6] Clause 6 Notes**

Insert “, notes in the text” after “explanatory note”.

### **[7] Clauses 7 (2) and 15 (2)**

Insert after “1 January 1972” wherever occurring:

other than any trade, industry, process, fuel burning equipment or industrial plant referred to in subclause (4)

### **[8] Clauses 7 (4) and 15 (4)**

Insert after clauses 7 (3) and 15(3):

- (4) Table B is the appropriate Table in relation to any trade, industry, process, fuel burning equipment or industrial plant that first came into operation on or after the commencement of the *Protection of the Environment Operations Act 1997*.

## [9] Clause 8 Restrictions on use of high sulphur liquid fuel

Omit “a licence referred to in section 17A (a) of the Pollution Control Act 1970” from clause 8 (3) (d) (i).

Insert instead “an environment protection licence”.

[10] Clause 10 Fluorine emissions from scheduled premises:  
section 15

Omit “HF (or HF equivalent) per tonne of aluminium produced” wherever occurring in Column 3 of Tables C and D to the clause. Insert instead “total fluoride per tonne of aluminium produced”.

[11] Clause 15 Smoke emissions from scheduled premises:  
section 15

Omit "a boiler or incinerator" from paragraph (b) of Column 3 of Table B to the clause.

Insert instead “up”—.

## [12] Clause 20A

Insert after clause 20:

## 20A Prescribed control equipment

- (1) The occupier of any premises must not, unless the person is exempted from the provisions of this clause by the Authority under section 284 of the *Protection of the Environment Operations Act 1997*, use or operate, or cause or allow to be used or operated, any fuel burning equipment or industrial plant in or on those premises unless that equipment or plant is fitted with the prescribed control equipment in accordance with this Part.
  - (2) The occupier of any premises in or on which is installed any fuel burning equipment or industrial plant fitted with prescribed control equipment must, where specifications for the maintenance or operation of that fuel burning equipment, industrial plant or control equipment are prescribed by this Regulation, ensure that those specifications are complied with.

## 1998 No 719

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Schedule 4 Amendment of Clean Air (Plant and Equipment) Regulation 1997

---

(3) An occupier who contravenes this clause is guilty of an offence.

Maximum penalty:

- in the case of a corporation—400 penalty units, or
- in the case of an individual—200 penalty units.

### **[13] Clauses 21 (2), 22 (2), 23 (2) and 26 (1) and (2)**

Omit “sections 15B and 19A of the Act” wherever occurring.

Insert instead “clause 20A of this Regulation”.

### **[14] Clauses 21 (5)**

Omit “sections 15B (2) (a) and 19A (2) (a) of the Act”.

Insert instead “clause 20A (2) of this Regulation”.

### **[15] Clause 22 Prescribed control equipment for large loading plant**

Insert “liquid and” after “fittings on all” in clause 22 (2) (c).

### **[16] Clause 22 (3)**

Omit “section 15B or 19A of the Act”.

Insert instead “clause 20A of this Regulation”.

### **[17] Clause 23 Prescribed control equipment for small storage tanks**

Omit “vapour-tight” from clause 23 (2) (d).

Insert instead “liquid-tight”.

### **[18] Clause 23 (2) (d)**

Insert “liquid” after “delivery tank's”.

### **[19] Clause 23 (6)**

Omit “section 15B (2) (a) and 19A (2) (a)

Insert instead “clause 20A (2) of this Regulation”.

**[20] Clause 23 (6) (b)**

Insert “liquid” after “when no”.

## [21] Clause 24 Control equipment for large tank vehicles

Insert “liquid” before “transfer pipes” wherever occurring in clause 24 (2) (c).

**[22] Clause 24 (2) (c)**

Omit "vapour-tight". Insert instead "liquid-tight",

**[23] Clause 24 (3) (d)**

Insert “liquid” before “transfer hose”.

## [24] Clause 25 Loading and unloading large tank vehicles

Insert “liquid” before “transfer hose” in clause 25 (3) (d)

**[25] Clause 25 (3) (d)**

Insert “of liquid” after “empty”.

## [26] Clause 26 Exemptions

Omit "those sections" from clause 26 (2) (b).  
Insert instead "that clause".

## [27] Clauses 27, 28, 29 and 30

Omit the clauses.

[28] Clause 31 Amendment of Clean Air Regulations 1964

Omit “*Manual of Air Quality Testing*” from clause 31 (3).  
Insert instead “*Approved Methods Publication*”

**1998 No 719**

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Schedule 4      Amendment of Clean Air (Plant and Equipment) Regulation 1997

---

**[29] Clause 31 (4)**

Insert at the end of clause 31:

- (4) Words and expressions used in this Regulation, that were defined in the Act before its repeal, continue to have the meanings that were set out in the Act unless the contrary intention appears.

---

## Schedule 5 Amendment of Clean Waters Regulations 1972

(Clause 3)

### [1] Regulation 2 Definitions

Omit “Standard Methods” from the definition of *biochemical oxygen demand* in Regulation 2 (1).

Insert instead “Approved Methods Publication”.

### [2] Regulation 2 (1)

Omit “Standard Methods” from the definition of *chemical oxygen demand*.

Insert instead “Approved Methods Publication”.

### [3] Regulation 2 (1)

Omit the definition of *Standard Methods*.

### [4] Regulation 2 (1)

Insert in appropriate order:

*the Approved Methods Publication* means the document entitled “Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales” prepared by the EPA and published in the Gazette, as in force from time to time.

### [5] Regulation 2 (2)

Omit the clause.

### [6] Regulation 3 Testing of water and wastes

Omit “the appropriate method specified in Schedule 1” from Regulation 3 (1).

Insert instead “the appropriate method specified in the Approved Methods Publication”.

**1998 No 719**

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Schedule 5      Amendment of Clean Waters Regulations 1972

---

**[7]      Parts 4 and 5**

Omit the Parts.

**[8]      Schedule 1 Methods of analysis**

Omit the Schedule.

---

## Schedule 6 Amendment of Noise Control (Marine Vessels) Regulation 1996

(Clause 3)

### [1] Clause 3 Definitions

Omit the definition of *authorised officer*.

Insert instead:

*authorised officer* includes not only any person who is appointed as an authorised officer for the purposes of the Act (as referred to in section 187 of the Act), but also:

- (a) any police officer, and
- (b) any officer or employee of the marine authority who is authorised by the authority for the purposes of this Regulation.

### [2] Clause 3

Omit “*Noise Control Act 1975*” from the definition of *the Act*.

Insert instead “*Protection of the Environment Operations Act 1997*”

### [3] Clause 3

Insert in appropriate order:

*the Authority* means the EPA within the meaning of the Act.

**1998 No 719**

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Schedule 7      Amendment of Noise Control (Miscellaneous Articles) Regulation 1995

---

**Schedule 7    Amendment of Noise Control  
(Miscellaneous Articles) Regulation  
1995**

(Clause 3)

**[1]    Clause 3 Definitions**

Omit “*Noise Control Act 1975*” from the definition of *the Act* in clause 3 (1).

Insert instead “*Protection of the Environment Operations Act 1997*”.

**[2]    Clause 3 (1)**

Insert in appropriate order:

*the Authority* means the EPA within the meaning of the Act.

**[3]    Clauses 7 (1), 8 (1), 9 (1), 10 (1), 11 (1) and 12 (1)**

Omit “section 28” wherever occurring.

Insert instead “section 136”.

**[4]    Clauses 23, 24 and 25**

Omit the clauses.

**Schedule 8 Amendment of Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995**

(Clause 3)

**[1] Clause 3 Definitions**

Omit the definition of *inspection notice* from clause 3 (1).

**[2] Clause 3 (1)**

Insert in appropriate order:

*motor vehicle* means any vehicle propelled wholly or partly by any volatile spirit. steam. electricity. gas or oil. or by any means other than human or animal power, but does not include a railway locomotive.

**[3] Clause 3 (1)**

Omit “*Noise Control Act 1975*” from the definition of *the Act*.  
Insert instead “*Protection of the Environment Operations Act 1997*”.

**[4] Clause 3 (1)**

Insert in appropriate order:

*the Authority* means the EPA within the meaning of the Act.

**[5] Clauses 4 (1), 6 (1) and (2) and 8**

Omit “section 28” wherever occurring.  
Insert instead “section 136”.

**[6] Part 4, Divisions 1 and 3**

Omit the Divisions.

**1998 No 719**

Protection of the Environment Operations (Amendments and Repeals) Regulation 1998

Schedule 9      Repeal of regulations

---

## **Schedule 9      Repeal of regulations**

(Clause 4)

*Noise Control (General) Regulation 1995*

*Pollution Control Regulation 1985*