



New South Wales

# Protection of the Environment Operations Amendment (Miscellaneous) Regulation 2000

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*.

ROBERT JOHN DEBUS, M.P.,

Minister for the Environment

## Explanatory note

The object of this Regulation is to make various amendments to regulations made under the *Protection of the Environment Operations Act 1997*. The purposes of these amendments are described below.

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

Clause 27 of the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997* provides that it is an offence to use a motor vehicle if the vehicle emits “excessive air impurities”. Section 154 (2) of the *Protection of the Environment Operations Act 1997* specifies the circumstances that constitute emitting excessive air impurities for the purposes of certain provisions of that Act. This Regulation amends the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997* so as to clarify that the reference in clause 27 to a motor vehicle emitting “excessive air impurities” is a reference to the circumstances specified in section 154 (2).

## **2000 No 225**

Protection of the Environment Operations Amendment (Miscellaneous) Regulation 2000

Explanatory note

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### **Protection of the Environment Operations (General) Regulation 1998**

The *Protection of the Environment Operations (General) Regulation 1998* is amended by this Regulation so as:

- (a) to enable a contravention of certain environment protection legislation that has since been repealed to be taken into account in determining whether a person is a fit and proper person to hold an environment protection licence, and
- (b) to make other minor drafting changes.

### **Protection of the Environment Operations (Savings and Transitional) Regulation 1998**

The *Protection of the Environment Operations (Savings and Transitional) Regulation 1998* is amended by this Regulation so as to extend the application of provisions of the Act dealing with certificates of evidence of certain matters to proceedings for offences under certain repealed environment protection legislation. The provisions dealing with certificates of evidence are taken to apply on and from 1 July 1999, the date of commencement of the Act and of the *Protection of the Environment Operations (Savings and Transitional) Regulation 1998*. Clause 2 of Schedule 5 to the Act provides that regulations under the Act of a savings and transitional nature may take effect from the date of assent to the Act or a later specified date.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 83 (5) and 323 (the general regulation-making power) of the Act, clause 4 (4) of Schedule 2 and clauses 2 and 10 of Schedule 5 to the Act.

## **Protection of the Environment Operations Amendment (Miscellaneous) Regulation 2000**

### **1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations Amendment (Miscellaneous) Regulation 2000*.

### **2 Amendments**

Each Regulation specified in Schedules 1–3 is amended as set out in those Schedules.

### **3 Notes**

The explanatory note does not form part of this Regulation.

**2000 No 225**

Protection of the Environment Operations Amendment (Miscellaneous)  
Regulation 2000

Schedule 1      Amendment of Clean Air (Motor Vehicles and Motor Vehicle Fuels)  
Regulation 1997

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**Schedule 1      Amendment of Clean Air (Motor Vehicles  
and Motor Vehicle Fuels) Regulation 1997**

(Clause 2)

**Clause 27 Motor vehicles emitting excessive air impurities**

Insert at the end of clause 27:

- (2) For the purposes of this clause, a motor vehicle *emits excessive air impurities* if it emits air impurities in the circumstances described in section 154 (2) of the Act.

Protection of the Environment Operations Amendment (Miscellaneous)  
Regulation 2000

Amendment of Protection of the Environment Operations (General)  
Regulation 1998

Schedule 2

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## Schedule 2 Amendment of Protection of the Environment Operations (General) Regulation 1998

(Clause 2)

### [1] Clause 20 Pollutant weightings

Omit “pollution control” from the matter relating to Sulfur oxides in the Definition column of the Table to clause 20 (1).

### [2] Clause 49A

Insert after clause 49:

#### 49A Other relevant legislation: sec 83

- (1) Pursuant to section 83 (5) of the Act, the following repealed Acts, provisions of Acts and Regulations are declared to be **other relevant legislation** for the purposes of section 83:
  - (a) *Clean Air Act 1961*,
  - (b) *Clean Waters Act 1970*,
  - (c) *Environmental Offences and Penalties Act 1989*,
  - (d) *Noise Control Act 1975*,
  - (e) *Pollution Control Act 1970*,
  - (f) the provisions of the *Ozone Protection Act 1989* omitted by Schedule 4.14 to the Act,
  - (g) the provisions of the *Waste Minimisation and Management Act 1995* omitted by Schedule 4.19 to the Act,
  - (h) regulations made under the above Acts or provisions.
- (2) Pursuant to section 83 (5) of the Act, the *Pesticides Act 1978* and regulations made under that Act are declared to be **other relevant legislation** for the purposes of section 83 on and from the date that that Act is repealed by the *Pesticides Act 1999*.

**2000 No 225**

Protection of the Environment Operations Amendment (Miscellaneous)  
Regulation 2000

Schedule 2      Amendment of Protection of the Environment Operations (General)  
Regulation 1998

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**[3] Schedule 1 Licensing fees—activities and assessable pollutants**

Insert the heading “**Assessable Pollutants and Fee Rate Threshold Factors**” above the subheading “(a) Production of Container Glass” in item [12] of Schedule 1.

Protection of the Environment Operations Amendment (Miscellaneous)  
Regulation 2000

Amendment of Protection of the Environment Operations (Savings and  
Transitional) Regulation 1998

Schedule 3

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### **Schedule 3 Amendment of Protection of the Environment Operations (Savings and Transitional) Regulation 1998**

(Clause 2)

**[1] Clause 17 Criminal and other proceedings**

Insert “and sections 261 and 262” after “Parts 8.2 and 8.4” wherever occurring in clause 17 (1) and (2).

**[2] Clause 17 (2)**

Omit “Parts” where secondly and thirdly occurring. Insert instead “provisions”.

**[3] Clause 17 (4)**

Insert after clause 17 (3):

- (4) The amendments to this clause made by the *Protection of the Environment Operations Amendment (Miscellaneous) Regulation 2000* are taken to have effect on and from 1 July 1999.