



Clean Air (Plant and Equipment) Amendment (Exemptions) 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*.

BOB DEBUS, M.P.,

Minister for the Environment

Explanatory note

The object of this Regulation is to amend the *Clean Air (Plant and Equipment) Regulation 1997* to provide that the Environment Protection Authority may grant an exemption to a public authority from the operation of provisions of the *Protection of the Environment Operations Act 1997* relating to the emission of smoke from plant and equipment during certain prescribed operations.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 286 (exemptions by regulation) and 323 (the general regulation-making power).

Schedule 1 Amendment

(Clause 2)

Clause 16A

Insert after clause 16:

16A Exemptions

- (1) The Authority may grant an exemption to a public authority from the operation of sections 15 and 19 of the Act and clauses 15 and 16 of this Regulation in so far as those provisions relate to the emission of smoke.
- (2) Such an exemption may only be given in relation to smoke emitted in the course of the following activities:
 - (a) research to improve safety in relation to the inflammability of materials and smoke reduction (including the development of testing procedures),
 - (b) training of fire-fighters and the rating of the effectiveness of fire extinguishers and fire suppression systems,
 - (c) testing undertaken to certify that manufactured or imported products comply with Australian Standards or International Standards and meet any legislative requirements placed on them.
- (3) The Authority is to grant an exemption under this clause by means of a written notice given to the public authority.
- (4) Before granting an exemption under this clause the Authority must:
 - (a) take into consideration the impact of the exemption on local and regional air quality and amenity, and
 - (b) be satisfied that it is not practicable for the public authority to comply with the relevant provisions of the Act and this Regulation by implementing operational changes to plant or practices.

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- (5) An exemption:
- (a) is subject to such conditions (if any) as are specified in the notice by which the exemption is granted, and
 - (b) may be amended or revoked by means of a notice given to the public authority, and
 - (c) unless sooner revoked by the Authority, remains in force for a period of 12 months (or such other period as is specified in the exemption) from the date it is granted.
- (6) In this clause:
- Australian Standard* means a standard published by Standards Australia.
- International Standard* means a standard published by the International Organization for Standardization.

BY AUTHORITY