



New South Wales

# Protection of the Environment Operations (Penalty Notices) Amendment (Waste Offences) Regulation 2002

under the

Protection of the Environment Operations Act 1997

Her 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 objects of this Regulation are as follows:

- (a) to remove references to short descriptions of offences as a result of the repeal of section 145B of the *Justices Act 1902* and to make consequential amendments,
- (b) to omit out-of-date references to officers of the Bicentennial Park Trust,
- (c) to increase to \$1,500 and \$5,000, respectively, the penalties for individuals and corporations issued penalty notices for the offence of transporting waste to a place that cannot lawfully be used as a waste facility for that waste, if the waste comprises asbestos or hazardous waste, or is more than 1 cubic metre in volume or 2 tonnes in weight,
- (d) to increase to \$1,500 and \$5,000, respectively, the penalties for individuals and corporations issued penalty notices for the offence of permitting land to be used as a waste facility that cannot lawfully be used as a waste facility,

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Explanatory note

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- (e) to enable officers or employees of the Sydney Catchment Authority to issue penalty notices for offences relating to the release of balloons.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 226, section 227 and section 323 (the general regulation-making power).

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## **Protection of the Environment Operations (Penalty Notices) Amendment (Waste Offences) Regulation 2002**

### **1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations (Penalty Notices) Amendment (Waste Offences) Regulation 2002*.

### **2 Commencement**

This Regulation commences on 1 July 2002.

### **3 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999**

The *Protection of the Environment Operations (Penalty Notices) Regulation 1999* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 3)

**[1] Clause 6 Authorised officers: section 226**

Omit “Column 3” wherever occurring. Insert instead “Column 2”.

**[2] Clause 6 (5) (i)**

Omit “of the Bicentennial Park Trust,”.

**[3] Clause 7 Amounts of penalty payable: section 227**

Omit “Column 4” from clause 7 (a). Insert instead “Column 3”.

**[4] Clause 7 (b)**

Omit “Column 5” wherever occurring. Insert instead “Column 4”.

**[5] Clause 9 Short descriptions: section 145B of Justices Act 1902**

Omit the clause.

**[6] Schedule 1 Penalty notice offences**

Omit Column 2.

**[7] Schedule 1**

Re-number Columns 3, 4 and 5 as Columns 2, 3 and 4, respectively.

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Amendments

Schedule 1

**[8] Schedule 1**

Omit the matter relating to sections 143 and 144 under the heading “Protection of the Environment Operations Act 1997”.

Insert instead in Columns 1, 2, 3 and 4 (as renumbered by this Regulation):

Section 143: Transfer waste, being waste comprising asbestos waste or hazardous waste, or any other waste greater than 1 cubic metre in volume or 2 tonnes in weight, to a place that cannot lawfully be used as a waste facility for that waste	1, 2	\$1500	\$5000
Section 143: Transfer waste to a place that cannot lawfully be used as a waste facility for that waste	1, 2	\$750	\$1500
Section 144	1, 2	\$1500	\$5000

**[9] Schedule 1**

Insert “14,” after “13,” wherever occurring in Column 2 (as renumbered by this Regulation) of the matter relating to section 146E (1), (2) and (3) under the heading “Protection of the Environment Operations Act 1997”.

BY AUTHORITY