



Protection of the Environment Operations Amendment (Kosciuszko National Park) Regulation 2003

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 prescribe the Director-General of National Parks and Wildlife as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997* for certain non-scheduled activities in the Kosciuszko National Park,
- (b) to extend the range of offences for which enforcement officers of the National Parks and Wildlife Service may serve penalty notices (in line with the range of offences for which enforcement officers of local authorities may serve penalty notices) where those offences are allegedly committed in Kosciuszko National Park.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power) and sections 6 (3) and 226 (1).

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Clause 1 Protection of the Environment Operations Amendment (Kosciuszko National Park) Regulation 2003

**Protection of the Environment Operations Amendment
(Kosciuszko National Park) Regulation 2003**

under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations Amendment (Kosciuszko National Park) Regulation 2003*.

2 Commencement

This Regulation commences on 24 November 2003.

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

The *Protection of the Environment Operations (General) Regulation 1998* is amended as set out in Schedule 1.

4 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 2.

Schedule 1 Amendment of Protection of the Environment Operations (General) Regulation 1998

(Clause 3)

Clause 64B

Insert after clause 64A:

64B Director-General of National Parks and Wildlife

The Director-General of National Parks and Wildlife is declared, under section 6 (3) of the Act, to be the appropriate regulatory authority for non-scheduled activities in Kosciuszko National Park, except in relation to the following:

- (a) the exercise of functions under Chapter 3 of the Act,
- (b) premises defined in an environment protection licence as the premises to which the licence applies, and all activities carried on at those premises,
- (c) activities carried on by the State or a public authority, whether at premises occupied by the State or a public authority or otherwise,
- (d) a matter for which a public authority (other than a local authority or the Director-General of National Parks and Wildlife) is declared under section 6 (3) of the Act to be the appropriate regulatory authority,
- (e) non-scheduled activities involving a non-pilotage vessel (within the meaning of clause 64A) in navigable waters.

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Schedule 2 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999

Schedule 2 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999

(Clause 4)

Clause 6 Enforcement officers: section 226

Omit clause 6 (5) (a). Insert instead:

- (a) class 1—an officer or employee of:
 - (i) a local authority, or
 - (ii) the National Parks and Wildlife Service in relation to a penalty notice offence alleged to have been committed in Kosciuszko National Park,

BY AUTHORITY
