



# Protection of the Environment Operations (Penalty Notices) Amendment 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 enable enforcement officers of one local council to serve penalty notices for offences committed in another local council's area if they are authorised to act as enforcement officers by that other council,
- (b) to enable enforcement officers of the Sydney Catchment Authority to issue penalty notices for offences relating to the transportation of waste to a place that cannot be lawfully used as a waste facility and permitting land to be used unlawfully as a waste facility.

This Regulation also contains minor law revision amendments.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power) and sections 222 and 226 (1).

**2003 No 517**

Clause 1 Protection of the Environment Operations (Penalty Notices) Amendment  
Regulation 2003

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**Protection of the Environment Operations (Penalty  
Notices) Amendment Regulation 2003**

under the

Protection of the Environment Operations Act 1997

**1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations  
(Penalty Notices) Amendment Regulation 2003*.

**2 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

(Clause 2)

### [1] Clause 6 Enforcement officers: section 226

Omit clause 6 (3). Insert instead:

- (3) An officer or employee of an authority that is a local council is an enforcement officer in respect of another local council only if that other local council has also duly authorised that officer or employee to exercise the functions of an enforcement officer under Division 3 of Part 8.2 of the Act.
- (3A) An officer or employee is not an enforcement officer in relation to a penalty notice offence alleged to have been committed by the authority that has authorised the officer or employee as an enforcement officer.

### [2] Clause 6 (5) (f)

Omit “*Water Supply Authorities Act 1987*”.

Insert instead “*Water Management Act 2000*”.

### [3] Schedule 1 Penalty notice offences

Omit “Transfer” wherever occurring in Column 1 of the matter relating to section 143 of the *Protection of the Environment Operations Act 1997* in Schedule 1.

Insert instead “Transport”.

### [4] Schedule 1

Insert “, 14” after “2” wherever occurring in Column 2 of the matter relating to sections 143 and 144 of the *Protection of the Environment Operations Act 1997*.