



New South Wales

Protection of the Environment Operations (General) Amendment (Penalty Notices) Regulation 2017

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*.

GABRIELLE UPTON, MP
Minister for the Environment

Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (General) Regulation 2009*, in connection with the container deposit scheme established by the *Waste Avoidance and Resource Recovery Act 2001*, to prescribe:

- (a) offences against that Act and the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017* for which penalty notices may be issued by enforcement officers, and
- (b) the amounts payable under those penalty notices.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 222, 226, 227 and 323 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Amendment (Penalty Notices) Regulation 2017*.

2 Commencement

This Regulation commences on 1 December 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Protection of the Environment Operations (General) Regulation 2009

Schedule 6 Penalty notice offences

Insert at the end of the Schedule:

Waste Avoidance and Resource Recovery Act 2001

Column 1	Column 2	Column 3	Column 4
Provision of Act	Officer	Penalty	Penalty
Section 38 (1)	2	\$1,500	\$3,000
Section 40 (8)	2	\$750	\$1,500
Section 42 (1)	2	\$500	\$1,000
Section 43 (3)	2	\$250	\$500
Section 43 (5)	2	\$250	\$500
Section 44 (1) claim refund for containers not subject to Scheme (if number of containers is not more than 300)	2	\$250	\$500
Section 44 (1) claim refund for containers not subject to Scheme (if number of containers is more than 300 but not more than 1,000)	2	\$500	\$1,000
Section 44 (1) claim refund for containers not subject to Scheme (if number of containers is more than 1,000 but not more than 5,000)	2	\$1,000	\$2,000
Section 44 (1) claim refund for containers not subject to Scheme (if number of containers is more than 5,000)	2	\$2,000	\$4,000
Section 44 (2)	2	\$1,500	\$3,000

Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Officer	Penalty	Penalty
Clause 20 (1)	2	\$1,000	\$2,000
Clause 20 (2)	2	\$1,000	\$2,000