



New South Wales

# Protection of the Environment Operations (General) Amendment (COVID-19 Audio and Audio Visual Links) Regulation 2020

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*.

MATT KEAN, MP  
Minister for Energy and Environment

## Explanatory note

The object of this Regulation is to provide for altered arrangements for attendance to answer questions under section 203 of the *Protection of the Environment Operations Act 1997*. The altered arrangements reproduce the effect of statutory provisions, enacted in response to the COVID-19 pandemic and that are due to be repealed, to enable questions from authorised officers to be answered by audio link or audio visual link.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power), and section 86 of the *Interpretation Act 1987*.

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### 1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Amendment (COVID-19 Audio and Audio Visual Links) Regulation 2020*.

### 2 Commencement

This Regulation commences on 13 November 2020 and is required to be published on the NSW legislation website.

### 3 Amendment of Protection of the Environment Operations (General) Regulation 2009

#### Clause 110

Insert after clause 109—

#### 110 COVID-19 pandemic—arrangements for attendance to answer questions

- (1) For the purposes of section 86(2)(a) of the *Interpretation Act 1987*, this clause prescribes altered arrangements for attendance to answer questions under section 203 of the *Protection of the Environment Operations Act 1997*.
- (2) The authorised officer may, in the notice under section 203(5) of the Act or in a subsequent notice, authorise the person to answer the questions using an audio link or audio visual link of a kind approved by the authorised officer.
- (3) If the questions are to be answered by the person using an audio link or audio visual link—
  - (a) the place at which the person is required to attend is taken to be any place having adequate facilities for the answering of questions in that manner at the time nominated under section 203(6) of the Act, and
  - (b) the person must ensure that the audio link or audio visual link is operated appropriately so that the answers given to the questions are clear to the authorised officer.
- (4) In this clause—

**audio link** means technology that enables continuous and contemporaneous audio communication between persons at different places, including telephones.

**audio visual link** means technology that enables continuous and contemporaneous audio and visual communication between persons at different places, including video conferencing.
- (5) This clause is repealed at the beginning of 26 March 2021.